

By Mr. MURDOCK: Petitions of 100 citizens of Wichita, 7 ex-volunteer officers of Hutchinson, citizens of Hutchinson, 8 citizens of Newton, citizens of Newton, 259 members of Garfield Post, Wichita, 22 ex-officers of Wichita, 4 ex-officers (united ages 283 years) of East Bend, 27 ex-enlisted men (average age, 66 years) of East Bend, 144 business men and citizens of Great Bend, 6 officers (average age, 67 years) of Sterling, all in the State of Kansas, for a civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. MURPHY: Petitions of G. W. Bell Post, No. 53, of Wonewoc, Wis., and Joe Hooker Post, No. 9, Grand Army of the Republic, of Baraboo, Wis., for the Lafean pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles C. Brown—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry C. Gosling—to the Committee on Invalid Pensions.

Also, memorial of legislature of Wisconsin, for a uniform game law—to the Committee on Agriculture.

Also, petitions of George C. Asby, of Union Center, Wis.; Grimshaw Brothers, of Elroy, Wis.; F. H. Schuppener, of Stitzer, Wis.; J. Kornely, president Retail Hardware Association of Milwaukee, and August Siefert Hardware Company, of Reedsburg, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commandery of State of Wisconsin, Military Order of the Loyal Legion, for civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. NEEDHAM: Paper to accompany bill for relief of Martin Jefferies—to the Committee on War Claims.

By Mr. O'CONNELL: Petition of residents of South Boston, in opposition to the taking of Castle Island for an immigration station—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Mrs. Booth Tarkington, for amendment of clause E of the Kittredge copyright bill (S. 2000) in the interest of musical composers—to the Committee on Patents.

Also, petition of Commercial Telegraphers' Union, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of storekeepers and gaugers of Pittsburg, for increase of salary of gaugers to \$3 per day—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of J. S. Pratt and 49 other officers, for a civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. PETERS: Paper to accompany bill for relief of Robert Downing—to the Committee on Naval Affairs.

By Mr. RANDELL of Louisiana: Petition of Navigation Conference, for a harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. REEDER: Petition of Fruit Growers' Association of California, for modification of Chinese exclusion law in a way beneficial to the farmers of California—to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: Petition of General Assembly of Telegraphers' Union, for Congressional investigation into affairs of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Paper to accompany bill for relief of J. E. Berry—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Joseph Chisom—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Petition of Arizona Wool Growers' Association, against leasing and fencing the public domain—to the Committee on the Public Lands.

Also, petition of United Brotherhood of Carpenters and Joiners of America, for legislation to improve the currency—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of General Assembly of Commercial Telegraphers, for investigation of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of Lincoln Club, of St. Paul, Minn., for postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama: Memorial of J. M. Whiting, president of the People's Bank; Edward M. Robinson, Pat. J. Lyons, A. C. Dauner, N. R. Clarke, Pollock & Bernheimer, Frederick G. Bromberg, E. L. Russell, James K. Glennon, E. V. O'Connor, with upward of 100 other citizens representing the general business interests of the city of Mobile, giving hearty indorsement to the proposed national negro fair to be held in the autumn of 1908, and bespeaking for the same such aid from the National Government as the Congress may deem it

proper to give—to the Select Committee on Industrial Arts and Expositions.

Also, memorial of many colored citizens of the United States, representing the National Negro Fair Association, for Congress to authorize and appropriate \$250,000 for the purpose of aiding in the development of the proposed national negro fair to be held in the city of Mobile, Ala., in the autumn of 1908—to the Select Committee on Industrial Arts and Expositions.

Also, memorial of colored citizens of Mobile, Ala., representing the general business interests of said city, heartily indorsing the proposed national negro fair to be held in Mobile in the autumn of 1908, and the proposition bespeaking Government aid of the same—to the Select Committee on Industrial Arts and Expositions.

By Mr. YOUNG: Petition of Woman's Interdenominational Union, for a day-of-rest law in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of voters of Twelfth Congressional District of Michigan, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, January 16, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. DOLLIVER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Hiwassee Masonic Lodge, No. 188, of Calhoun, Tenn., *v. United States*;

In the cause of Artemas P. Hannum, administrator *c. t. a. de bonis non* of Josiah A. Hannum, deceased, *v. United States*;

In the cause of Robert Steel *v. United States*;

In the cause of Margaretta D. Abbey, Henry Lelar, jr., William D. Lelar, Mary D. Pierce, and Ellen D. Lelar, children and sole heirs at law of Henry Lelar, deceased, *v. United States*;

In the cause of Catherine Delap, widow of George Delap, deceased, *v. United States*;

In the cause of Francis A. Cook *v. United States*;

In the cause of Ada T. Coggeshall, daughter of Charles B. Russell, deceased, *v. United States*;

In the cause of John T. Newton *v. United States*;

In the cause of Charles B. Gilmore, brother of Fernando P. Gilmore, deceased, *v. United States*; and

In the cause of Mary Elizabeth Babbitt, daughter of Charles W. Babbitt, deceased, *v. United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

RETURN OF CASES TO COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, transmitting a letter from the Assistant Attorney-General requesting the return to the Court of Claims of certain cases which were dismissed for lack of prosecution through error in making up the list of cases in the Department of Justice, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

H. R. 9087. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Beardstown, White Hall, Mason City, Jacksonville, Carlinville, Chester, Rockwood, Sparta, Campbell Hill, Cairo, Galesburg, Brooklyn, Quincy, Decatur, Charleston, Sullivan, Pontiac, Eureka, Minonk, Woodford County, Livingston County, and Cook County, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the

War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. PLATT presented a petition of Local Council No. 68, Junior Order of United American Mechanics, of Cottekill, N. Y., praying for the enactment of legislation to place the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Watertown, N. Y., praying that an appropriation be made for the purchase of certain lands in Jefferson County, in that State, for military purposes, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry members of the session of the Presbyterian Church of Johnstown, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 590) to extend the limits of the act of June 27, 1890 (as amended by the act of May 9, 1900), granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and the act of February 6, 1907, granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

Mr. WARNER presented the petition of A. M. Haswell, of Joplin, Mo., praying for the enactment of legislation making the Union and Confederate cemeteries at Springfield, in that State, one cemetery, which was referred to the Committee on Military Affairs.

He also presented the petition of Daniel M. Spencer, of Greentop, Mo., praying for the enactment of legislation to set aside the judgment of court-martial standing against him and that he be granted pay and bounty due him for military service, which was referred to the Committee on Military Affairs.

Mr. OWEN presented a memorial of the legislature of the State of Oklahoma, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Memorial to the Senate and House of Representatives in Congress assembled.

The following memorial of the legislature of Oklahoma is respectfully submitted:

House concurrent resolution 2, memorializing Congress for the relief of settlers on the Kiowa, Comanche, and Apache reservations.

Whereas under an act of Congress of June 5, 1906, the Kiowa, Comanche, and Apache and the Fort Sill Military Wood Reservation in Oklahoma was disposed of by competitive bidding under the homestead law, to be paid for in five equal installments, one-fifth cash at the end of each consecutive year; and

Whereas said lands were purchased at an average price of more than \$16 per acre; and

Whereas there is no provision of law by which said lands can be relinquished by the entrymen and again disposed of to a purchaser or applicant therefor; and

Whereas the purchasers and settlers thereon, by reason of the newness of the land and unfavorable natural conditions have been unable to make a crop for the first year and therefore are unable to meet the second payment, and on account of the stringency of the money market are unable to procure funds to meet said payment, and unless relief is afforded by Congress a great number of these settlers will lose their homes and said lands will thereby be forfeited and their homestead entries canceled for nonpayment of the second installment of the purchase price: Therefore be it

Resolved, That the legislature of the State of Oklahoma in session assembled do hereby memorialize the Congress of the United States to extend and postpone the time of each payment for said lands two years from the date that the second payment becomes due, and that a law be enacted permitting the purchaser to dispose of his interests to any person qualified to make a homestead entry, the purchaser and entryman assuming the obligation due the Government.

Resolved, That a copy of this resolution be forwarded to the Hon. T. P. Gore and to the Hon. ROBERT L. OWEN and to the Members of Congress from Oklahoma, and that they be requested to present the same to Congress.

Passed the house December 3, 1907.

WM. H. MURRAY,
Speaker of the House of Representatives.

Passed the Senate December 12, 1907.

GEO. W. BELLAMY,
President of the Senate.

Approved this 14th day of December, 1907.

C. N. HASKELL, Governor.

I, Charles H. Pittman, chief clerk of the house of representatives of the first legislature, State of Oklahoma, hereby certify that the foregoing is a true and correct copy of house concurrent resolution No. 2 now on file.

C. H. PITTMAN,
Chief Clerk of the House of Representatives.

Mr. OWEN presented a petition of the Board of County Commissioners of Carter County, Okla., praying for the enactment of legislation to convert the Federal jail at Ardmore into a

county jail for Carter County in that State, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Oak Park, Lagrange, Toulon, Neponset, Tiskilwa, Peoria, Princeton, Walnut, Joliet, Ohio, Washington, Sheffield, Mineral, Wyand, Buda, Hennepin, Harvard, Aurora, St. Charles, Wilmington, Elgin, Lockport, Plainfield, Elburn, Enfield, Stanford, Clay City, Grayville, Wayne City, Harrisburg, Golconda, Lanark, Galena, Erie, Morrison, Prophetstown, Forreston, Ashton, Dixon, Franklin Grove, Oregon, Polo, Hanover, Monmouth, Alexis, Bushnell, Macomb, Aledo, Newton, Centralia, Patoka, Olney, Kimmunity, Salem, Oblong, Vandalia, Mount Carmel, Kankakee, Mokena, Watseka, and Casey, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 368, International Typographical Union of Litchfield, Ill., and a petition of Local Union No. 213, Typographical Union of Rockport, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. FRYE presented a petition of Captain Charles V. Gridley Camp, No. 94, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

Mr. HANSBROUGH presented a petition of sundry citizens of Bottineau County, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of the Business Men's Association of Great Bend, Kans., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. N. Redpath, pastor of the Reformed Presbyterian Church, and sundry other citizens of Olathe, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prevent internal-revenue collectors from issuing Federal licenses in prohibition territory, which was referred to the Committee on the Judiciary.

He also presented a petition of the Farmers' Institute Association of Reno County, Kans., praying for the enactment of legislation to provide for the restoration, by treaty or otherwise, of our foreign markets for the benefit of the live stock and grain producers of the country, which was referred to the Committee on Finance.

Mr. OVERMAN presented sundry papers to accompany the bill (S. 2021) for the relief of John F. Foard, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1765) granting a pension to Timothy Edwards, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 2348) granting an increase of pension to Wiley S. Roberts, which was referred to the Committee on Pensions.

Mr. HALE presented a memorial of the Woman's Christian Temperance Union of China, Me., remonstrating against the use of the mails for the purpose of advertising intoxicating liquors, which was referred to the Committee on Post-Offices and Post-Roads.

EXPERIMENTAL FARMS AND STATIONS.

Mr. OWEN. I present a resolution of the Trans-Mississippi Commercial Congress, adopted at its eighteenth annual session, at Muskogee, Okla., November 19-22, 1907, favoring the establishment of experimental farms and stations in the Western States tributary to the Mississippi River. I move that the resolution be printed as a document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 11330) to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind.; and

A bill (H. R. 11331) to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1046) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, reported it without amendment and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, reported it with amendments and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3660) to establish a light and fog signal on the outer end of the breakwater, San Pedro, Cal.;

A bill (S. 3661) to establish a light and fog signal at or near Punta Gorda, in the State of California; and

A bill (S. 3153) to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes.

Mr. STONE, from the Committee on Commerce, to whom was referred the bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9121) to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, reported it without amendment.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, reported it without amendment.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 3640) to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," reported it without amendment and submitted a report thereon.

EXAMINATIONS FOR DRAINAGE OF LANDS.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred the resolution submitted on the 14th instant by the Senator from Minnesota [Mr. CLAPP], to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 2,000 additional copies of Senate Document 151, present session; 1,000 for the use of the Senate and 1,000 for the use of the House of Representatives.

Mr. CULBERSON. I inquire of the Senator from Minnesota what the document is that is to be printed?

Mr. CLAPP. It is the report of the Reclamation Service on drainage.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The concurrent resolution was considered by unanimous consent and agreed to.

HARBOR OF ST. AUGUSTINE, FLA.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the bill (S. 3343) for the survey of the harbor at St. Augustine, Fla., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported the following concurrent resolution as a substitute for Senate bill 3343:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey of the entrance and harbor at St. Augustine, Fla., with a view to determining the necessity for and cost of construction of necessary breakwaters, etc., to protect the Government works at St. Augustine, Fla., from damage from erosions and encroachments of the sea.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

RENT FOR THE BUREAU OF FORESTRY.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the joint resolution (H. J. Res. 88) to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry, to report it favorably without amendment, and I submit a report

thereon. I ask for the present consideration of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution was read and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. I should like to have some explanation of the purpose of the provision. It proposes to divert a rather large sum of money.

Mr. PROCTOR. The appropriation last year for the general expenses of the Bureau of Forestry, which was something like one and three-quarter million dollars, provided that not more than \$40,000 of the amount should be used for rent. Owing to the large increase of the Bureau from legislation that we have adopted, the Secretary has found it absolutely necessary to use more than that amount for rent. The joint resolution does not at all increase the appropriation, but enlarges the limit that may be used for rent from \$40,000 to \$60,000, and it is a very necessary enlargement.

Mr. HEYBURN. I would inquire of the chairman of the committee whether it is for rent of buildings in Washington?

Mr. PROCTOR. It is not limited.

Mr. HEYBURN. Where is it to be used?

Mr. PROCTOR. It is not limited at all. There is no limit in the act; it is for rent in any locality, and the total amount that is to be paid for rent anywhere in the country is limited to \$40,000.

Mr. HEYBURN. I would ask whether or not the committee has made a report showing where the rents were expended and the amount expended in each place? If so, I should like to have the benefit of an inspection of that report.

Mr. PROCTOR. The committee has no such report, but we know money has been expended for rent in different sections of the country. We have the letter of the Secretary of Agriculture saying that it is absolutely necessary to use more of the appropriation for general expenses in order to properly house the officers and employees of the Bureau.

Mr. HEYBURN. I should like to have some information before the passage of the joint resolution that would enable us to know where this money is being expended and what proportion of it is being expended in the different localities of the country. It is a very large sum to pay for rent. It is 10 per cent on half a million dollars or more, and it is quite an item. It is being diverted from a general fund that was appropriated, I understand, for the general expenses in addition to the moneys realized by the Forestry Service from its use of the forests.

Before the joint resolution is put upon its final passage, I should like to have some information as to the items of expenditure. A letter from the Secretary of Agriculture is not a sufficient basis upon which to make an appropriation. This is an appropriation by a joint resolution, and, notwithstanding the fact that it is included within the gross sum appropriated, if this appropriation were not made, the presumption is that a portion of the original appropriation would be converted back into the Treasury at the end of the fiscal year. So it is in effect an original appropriation under our system of enacting laws, and I do not think we should make an appropriation of this size without some more detailed and general information than is contained in the letter of the Secretary of Agriculture.

I ask that the joint resolution may go over, Mr. President.

The VICE-PRESIDENT. Objection is made, and the joint resolution goes to the Calendar.

Mr. HALE. Before this matter passes from the consideration of the Senate I want to suggest to the Senator from Vermont, who has charge of the joint resolution, that in furnishing the information suggested by the Senator from Idaho he look into the question of rent as applied for shelter outside of Washington. The Senator from Vermont just now made the remark that the money is needed to house the employees of the Government outside of Washington.

Mr. PROCTOR. Both outside the city and within it.

Mr. HALE. Yes; but the point I am making is as to employees outside the city. I wish the Senator would look into it and see whether we have heretofore appropriated, in the many cases where the different Departments have agents at work outside of Washington, for housing them. If we embark in that, Mr. President, not only must the employees of this Bureau in the Forestry Service be housed—furnished with houses and buildings—outside of Washington, but the large army of special employees in the Land Office, who are engaged in similar service, must be housed, must be covered. The Post-Office Department has a myriad of employees engaged in different parts of the country. If the employees of the Forestry

Service are to be housed, why not the employees of the Post-Office Department and of the Treasury Department?

Mr. PROCTOR. If the Senator will allow me—

Mr. HALE. I only wish to suggest to the Senator, in making his inquiries and bringing in the facts to answer the pertinent questions of the Senator from Idaho, that at the same time he consider whether there is any precedent heretofore established for the Government housing employees outside of Washington.

Mr. PROCTOR. Mr. President, the misunderstanding has come from my careless use of a very general term, the word "housing." It is only intended to mean office rooms, working rooms, not at all houses. There is no housing in my knowledge except the building of shacks for the foresters in the woods, which they build themselves.

Mr. HEYBURN. I desire to make a further suggestion regarding the matter. I think the joint resolution should go to the Calendar until we have in detail the information that has been suggested. I have not had an opportunity to put my request for information in the form of a resolution, and it perhaps will not be necessary to do it, but I would suggest that the chairman of the committee in charge of the joint resolution might have the information collated and at hand when the measure comes up for final consideration. It involves \$60,000 and for a purpose that it seems to me we should inquire about. I ask that the joint resolution go to the Calendar.

The VICE-PRESIDENT. The joint resolution has already gone to the Calendar.

Mr. HEYBURN. I have already asked that it go over, and I suggest to the Senator that I shall feel impelled to ask that it shall not be brought up until the information is before the Senate.

SURVEY AT DEPERE, WIS.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (S. 2314) providing for a turning basin at Depere, Wis., and a 20-foot channel from Green Bay to Depere, Wis., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported the following concurrent resolution as a substitute for Senate bill 2314:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made at Depere, Wis., for a turning basin; also for the purpose of deepening the present channel between Green Bay and Depere and making it a 20-foot channel clear through from Green Bay to Depere, and to submit estimates for the same.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

STENOGRAPHER FOR COMMITTEE ON INDIAN DEPREDACTIONS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Kansas [Mr. CURTIS] on the 13th instant, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,020 per annum, said employment to continue during the Sixtieth Congress.

The amendments of the committee were in line 4, before the word "dollars," to strike out "and twenty," and in line 5 to strike out the words "Sixtieth Congress" and insert "first session of the Sixtieth Congress;" so as to make the resolution read:

Resolved, That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,000 per annum, said employment to continue during the first session of the Sixtieth Congress.

The amendments were agreed to.

The resolution as amended was agreed to.

STENOGRAPHER FOR COMMITTEE ON THE UNIVERSITY OF THE UNITED STATES.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Indiana [Mr. HEMENWAY] on the 13th instant, to report it with amendments, and I ask for its consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee on the University of the United States be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,020 per annum, said employment to continue during the Sixtieth Congress.

The amendments of the committee were, in line 4, after the word "thousand," to strike out "and twenty;" and in line 5, to strike out "Sixtieth Congress" and insert "first session of the Sixtieth Congress," so as to make the resolution read:

Resolved, That the Committee on the University of the United States be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,000 per annum, said employment to continue during the first session of the Sixtieth Congress.

The amendments were agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 13th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with matters before them, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

ELLEN F. BARTLETT.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. LODGE on the 13th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Ellen F. Bartlett, widow of Joseph W. Bartlett, late a clerk in the office of the Secretary of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

SURVEY OF OCONTO HARBOR, WISCONSIN.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 2316) providing for a survey of Oconto Harbor, Oconto, Wis., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported the following concurrent resolution as a substitute for Senate bill 2316:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Oconto Harbor, Oconto, Wis., with a view to providing a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

COMMITTEE SERVICE.

Mr. HALE. Mr. President, I submit a privileged resolution and ask for its adoption.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the following appointments be made to fill vacancies in committees of the Senate: Mr. du PONT on Military Affairs, Mr. McCUMBER on the Census, Mr. SUTHERLAND on the Revision of the Laws of the United States, and Mr. LONG on Privileges and Elections.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. HEYBURN. Will the Senator allow me to make a statement?

Mr. HALE. I yield to the Senator for a moment.

Mr. HEYBURN. We are now engaged in the consideration of the bill for the revision of the criminal code. It is a work of infinite detail and not one that interests all of the Senate directly—that is, it is not one in which all Senators take an interest. It would be very profitable to have that work continue. If we could continue it under an understanding or an agreement that nothing else would be done—

The VICE-PRESIDENT. The Chair will call attention to the fact that under the rule a motion to adjourn to a day specified is not debatable.

Mr. HEYBURN. I ask unanimous consent to make a statement in connection with the motion.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Idaho that he be permitted to make a statement? The Chair hears none.

Mr. HEYBURN. I desire to make this suggestion, which I was proceeding to make, that we enter into an agreement that nothing but the revision of the criminal code will be considered, and allow the Senate to remain in session. Otherwise the work of many years is apt to fail, as it has heretofore failed, of consideration during the Congress, and it will all have to be done over again. It is a matter of very serious importance. On

yesterday when the bill was under consideration there was a very small attendance of Senators, but sufficient to watch the progress of its consideration and see that there was nothing objectionable in it.

If it would meet with the approval of the Senate, I should like to have the motion of the Senator from Maine modified so as to enable us to proceed with the consideration of that measure.

Mr. HALE. Mr. President, I do not want to interfere with the Senator from Idaho, nor with the actual transaction of business. Several Senators have said to me that they desire an adjournment in order to work in committees, and it was said that yesterday in considering the Senator's bill—I was not here—not more than half a dozen Senators were in the Chamber, and that the Senate resorted to a call of the body in order to bring members here. On the proposition that I do not seek to interfere with the Senator, I am willing to withhold the motion for the present and see whether—

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. If the Senator will pardon an interruption, in order that he may not withhold his motion upon any misapprehension as to the attitude of some of us in regard to the matter, I desire to say that I shall object to any proposition to take up this important bill with the idea that nothing else is to be done, with a view that all who may not be interested in the measure may absent themselves from the Chamber. The result of such an arrangement will be that, as there was yesterday, there will be but a handful of Senators present when it is announced that nothing else is to be done.

I do not consider that there is anything more important demanding the presence of a full Senate than the consideration of the bill which the Senator from Idaho has in charge, and I shall object to any proposition that that bill shall be taken up and an agreement shall be had that nothing else shall be done, because that agreement at once empties the Chamber of every Senator who may not feel that he is going to take any particular part in it.

Mr. HALE. Then, I will submit my motion and let the Senate settle it.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

BOOKS FOR LIFE-SAVING STATIONS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3495) to authorize the transfer of books from the Treasury Department library to the life-saving stations of the United States, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

SURVEY OF FLATHEAD RIVER, MONTANA.

Mr. SMITH, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. DIXON December 21, 1907, reported it without amendment:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Flathead River, Montana, from the mouth of the same to the city of Kallispell, with a view of dredging and cleaning out a channel carrying 4 feet of water from the city of Kallispell to the mouth of said river and to submit a plan and estimate for such improvements.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

SURVEY OF YELLOWSTONE RIVER, MONTANA.

Mr. SMITH, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. DIXON December 21, 1907, reported it without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the portion of the Yellowstone River from the city of Glendive, Mont., to the mouth of said river with a view of cleaning out the channel thereof so as to maintain a 4-foot stage of water therein, including a lock at the United States Government dam, and to submit a plan and estimate for such improvement.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 4049) for the relief of Edwin U. Curtis, assistant treasurer of the United States at Boston, which was read twice by its title and referred to the Committee on Finance.

Mr. TALLIAFERRO introduced a bill (S. 4050) to authorize the sale of certain parts of Fort Marion Reservation, in the city of St. Augustine, Fla., which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. OWEN introduced a bill (S. 4051) relative to interest on the Eastern Cherokee Fund, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4052) for the relief of the estate of Edmond Manes, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs.

A bill (S. 4053) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army and place him on the retired list; and

A bill (S. 4054) canceling the balance of deferred payments due from settlers in the purchase of lands in the so-called "Wood Reserve," attached to the Fort Sill Military Reservation, Okla.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4055) granting an increase of pension to Charles M. Asbury;

A bill (S. 4056) granting an increase of pension to Aaron F. Youngblood; and

A bill (S. 4057) granting an increase of pension to Pascal J. Ellsworth.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4058) granting an increase of pension to De Forest Safford (with the accompanying papers); and

A bill (S. 4059) granting an increase of pension to James H. Conley.

Mr. GUGGENHEIM introduced a bill (S. 4060) providing for prospecting, mining, and canal ditch and reservoir building on forest reserves and other public lands of the United States, which was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN introduced a bill (S. 4061) granting an increase of pension to John F. Young, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States (with an accompanying paper);

A bill (S. 4063) relating to jurisdiction on appeals in the court of appeals of the District of Columbia in cases relating to public and Indian lands, and for other purposes; and

A bill (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo.

Mr. KNOX introduced a bill (S. 4065) for the relief of the legal representatives of John Boyle, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 4066) authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs, which was read twice by its title and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4067) providing for pensions to the children of deceased soldiers and sailors of the United States in cases where said children have become insane, idiotic, blind, deaf and dumb, or otherwise physically or mentally helpless before the age of 22 years;

A bill (S. 4068) granting an increase of pension to Peter M. Kiron (with accompanying papers);

A bill (S. 4069) granting an increase of pension to Charles Rivet (with accompanying papers); and

A bill (S. 4070) granting an increase of pension to Thomas Boyd (with accompanying papers).

Mr. CLAY introduced a bill (S. 4071) to amend acts embodied in section 3258 of the Revised Statutes of the United States, second edition (1878), relating to the Registry of stills, etc., so as to exempt turpentine stills, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 4072) to provide for site and public building at Statesboro, Ga., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. WHYTE introduced a bill (S. 4073) granting an increase of pension to Thomas S. Ball, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4074) for the relief of John H. Gray, administrator of J. W. Gray, deceased;

A bill (S. 4075) for the relief of W. T. Hawkins (with accompanying papers); and

A bill (S. 4076) for the relief of the heirs at law of E. L. Shuford, deceased.

He also introduced a bill (S. 4077) granting an increase of pension to H. J. Edge, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4078) granting an increase of pension to Elijah P. Hensley;

A bill (S. 4079) granting an increase of pension to William Cody;

A bill (S. 4080) granting an increase of pension to Irvin Allen; and

A bill (S. 4081) granting an increase of pension to James B. Sprinkle.

Mr. DIXON introduced a bill (S. 4082) for the relief of George O. Herbert, which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4083) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.;

A bill (S. 4084) to authorize the capitalization and payment of funds due the Winnebago tribe of Indians, and to enable them to sell and convey their allotted lands in Nebraska; and

A bill (S. 4085) to authorize the Secretary of the Interior to issue patents to Indians of the Santee tribe for lands assigned under the treaty of April 29, 1868.

He also introduced a bill (S. 4086) for the relief of Leander Gerrard and Edward A. Gerrard, which was read twice by its title and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 4087) to limit the effect of the regulation of commerce between the several States and Territories in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4088) for the relief of the city of Nashville, Tenn. (with an accompanying paper); and

A bill (S. 4089) for the relief of the legal representatives of Anthony S. Abbay, deceased (with an accompanying paper).

Mr. BORAH introduced a bill (S. 4090) to provide for the acquiring of additional ground and for the enlarging of the Government building at Boise, Idaho, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4091) granting an increase of pension to Joseph N. Foster, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 4092) to amend the military record of Jonas O. Johnson, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced a bill (S. 4093) for the relief of Gustav A. Hesselberger, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 4094) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other pur-

poses," approved July 1, 1902, which was read twice by its title and referred to the Committee on Appropriations.

He also introduced a bill (S. 4095) to provide for the purchase of a site and the erection of a public building thereon at Steubenville, in the State of Ohio, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4096) granting an increase of pension to George M. D. Wells, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4097) granting an increase of pension to William H. Stiles, which was read twice by its title and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 4098) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, which was read twice by its title and referred to the Committee on Commerce.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4099) granting a pension to George R. Barden;

A bill (S. 4100) granting an increase of pension to Michael Fitzpatrick;

A bill (S. 4101) granting an increase of pension to Stephen A. Toops; and

A bill (S. 4102) granting an increase of pension to Asa Wren.

Mr. CLAPP introduced a bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "for the relief and civilization of the Chippewa Indians," which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. McCREARY introduced a bill (S. 4104) granting an increase of pension to H. Rowan Saufley, which was read twice by its title and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4105) granting a pension to John Stokes, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4106) granting an increase of pension to Eldridge S. Lyons, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (S. 4107) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SCOTT introduced a joint resolution (S. R. 36) authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park, which was read twice by its title and referred to the Committee on Military Affairs.

EMERGENCY CIRCULATION BY NATIONAL BANKS.

Mr. BULKELEY. On the 9th instant I introduced a bill, Senate bill 3472, providing for emergency circulation by national banking associations on the basis of bonds, other than Government bonds, named in the bill. The circulation was restricted in that bill to the aggregate amount of capital of the bank. I find on inquiry that nearly three thousand banks have a circulation at the present time equal to their capital, and therefore would be restricted in issuing further circulation. These banks have a circulation at the present time of \$324,501,000. If the proposed amendment should be adopted, it would provide for a further addition to the circulation of about \$162,250,000.

I have therefore prepared an amendment to the bill which I should like to send to the Finance Committee for their consideration if the original bill should happen to meet with favorable consideration by the committee.

The amendment was ordered to be printed and referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. Bulkeley to the bill (S. 3472) to provide for emergency circulation of national banking associations, viz: After the word "law," at the end of line 15, page 3, insert the following:

"Sec. 2. That notwithstanding any provisions of section 1 of this act, any national banking association having a circulation secured by deposits of United States or Panama Canal bonds under existing law to an amount equal to its capital, on deposit of bonds provided for under section 1 of this act may receive from the Comptroller of the Currency additional circulating notes, as provided in section 1 of this act, to an amount equal to 50 per cent in excess of the amount of the capital stock paid in of any such banking association."

INSPECTION AND GRADING OF GRAIN.

On motion of Mr. McCUMBER, it was

Ordered, That there be printed for the use of the Senate and delivered to the Senate document room 2,000 additional copies of the bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on the 15th instant approved and signed the joint resolution (S. R. 1) amending an act relative to the public printing and binding, approved March 1, 1907.

FRANCHISE OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 32 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (31 Stat., 77), I transmit herewith copy of a franchise granted by the executive council of Porto Rico to the municipality of Utuado, entitled "An ordinance granting to the municipality of Utuado the right to take 390 gallons of water per minute from Creek Grand, in the municipality of Utuado, for the purpose of supplying the inhabitants of the municipality with water," approved January 3, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 16, 1908.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. WARNER. I ask unanimous consent for the present consideration of House bill 251, being a bill to authorize the city of St. Louis to construct a bridge across the Mississippi River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 251) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATIONS.

Mr. LODGE. Mr. President, I desire to call up at this time the resolution which I reported yesterday from the Committee on Rules in relation to communications from heads of Departments, etc.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of the resolution referred to by him. The resolution will be read for the information of the Senate.

The Secretary read the resolution reported by Mr. LODGE from the Committee on Rules January 15, 1908, as follows:

Resolved, That no communications from heads of Departments, commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President.

Resolved, That a copy of this resolution be communicated by the Secretary of the Senate to the President and the House of Representatives.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LODGE. Mr. President, in this connection I desire to call attention to the fact that the relation of the Executive to the Senate as to means of communication was defined very scrupulously by President Madison when he refused to discuss a question with a committee of the Senate on the ground that, as a coordinate branch of the Government, he could deal only with the Senate itself.

I do not mean to detain the Senate more than a moment, the resolution having passed, but I ask leave to have the message to which I refer, dated July 6, 1813, printed for the information of the Senate.

Mr. GALLINGER. As a document?

Mr. LODGE. No; I wish to have it printed in the Record.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the message referred to will be printed in the Record.

The message referred to is as follows:

WASHINGTON, July 6, 1813.

To the Senate of the United States:

I have received from the committee appointed by the resolution of the Senate of the 14th day of June a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a minister plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and through them to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the Constitution has placed the several Departments of the Government to each other, it will suffice to remark that the Executive and

Senate, in the cases of appointments to office and of treaties, are to be considered as independent of and coordinate with each other. If they agree, the appointments or treaties are made; if the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relations of the Senate and the Executive, has been either to request the Executive to furnish it or to refer the subject to a committee of their body to communicate, either formally or informally, with the head of the proper Department. The appointment of a committee of the Senate to confer immediately with the Executive himself appears to lose sight of the coordinate relation between the Executive and the Senate which the Constitution has established, and which ought, therefore, to be maintained.

The relation between the Senate and House of Representatives, in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of and coordinate with each other, and the invariable practice of each in appointing committees of conference and consultation is to commission them to confer not with the coordinate body itself, but with a committee of that body; and although both branches of the legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed that if the whole number of either branch were not too large for the purpose the objection to such a conference, being against the principle as derogating from the coordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate in the course they have pursued on this occasion, and with which my view of the subject makes it my duty not to accord, and that they will be cheerfully furnished with all the suitable information in possession of the Executive in any mode deemed consistent with the principles of the Constitution and the settled practice under it.

JAMES MADISON.

LITTLE CONTENTNEA RIVER, NORTH CAROLINA.

Mr. GALLINGER. Regular order, Mr. President.

The VICE-PRESIDENT. The morning business has closed, and the regular order is the consideration of the Calendar under Rule VIII. The first business on the Calendar will be stated.

The concurrent resolution submitted by Mr. OVERMAN December 16, 1907, and reported from the Committee on Commerce by Mr. SIMMONS January 9, 1908, was announced as first in order, and was read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

RAILWAY EXTENSIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 902) authorizing certain extensions to be made in the lines of the City and Suburban Railway of Washington, the Washington Railway and Electric Company, the Anacostia and Potomac River Railroad Company, and the Capital Traction Company, in the District of Columbia, and for other purposes, was announced as next in order.

Mr. GALLINGER. Mr. President, with reference to that bill, I desire to say that the Senator from North Dakota [Mr. HANSBROUGH] is not in the Chamber at the present time. There are also certain amendments that may be offered to the bill, and so I ask that it may go over. I give notice, however, that on Monday next I shall ask to have it considered.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

WASHINGTON AQUEDUCT AND FILTRATION PLANT.

The bill (S. 37) to transfer jurisdiction of the Washington Aqueduct, the filtration plant and appurtenances to the Commissioners of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

The bill (S. 2295) to extend the time within which the Washington and Western Maryland Railroad Company shall be required to complete the road of said company, under the provisions of an act of Congress approved March 2, 1889, as amended by an act of Congress approved June 28, 1906, was considered as in Committee of the Whole. It proposes to extend the time within which the Washington and Western Maryland Railroad Company is required to complete and put in operation its railroad in the District of Columbia under the provisions of an act of Congress approved March 2, 1889, as amended by an act of Congress approved June 28, 1906, for the term of one year from the 28th of December, 1907, and provides that all of the franchises, rights, and powers conferred by said acts, or either of them, may be enjoyed and exercised as fully and completely as if the railroad had been completed and put in operation prior to the 28th of December, 1907.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2028) to amend section 605 of the Code of Law for the District of Columbia, relating to corporations, was considered as in Committee of the Whole.

Mr. CULBERSON. Mr. President, I ask the Senator in charge of the bill to state what is the provision proposed to be stricken out of the existing law.

Mr. GAMBLE. I will say, in reply to the Senator from Texas, that the law as it exists, as I understand it, prohibits corporations in this District from buying and selling or dealing in real property. This proposed enactment takes them out of this exception. I will say that a similar bill passed in the Fifty-eighth and Fifty-ninth Congresses. The bill was drafted by the Commissioners of the District of Columbia, and there seems to be no good reason why such a proposition should not be enacted.

Mr. GALLINGER. In addition to what the Senator from South Dakota [Mr. GAMBLE] has said, I will say to the Senator from Texas that the law prohibits citizens of the District from engaging in this class of business, but permits corporations from outside of the District to do so, which seems unjust to the people of the District. The committee have considered the subject several times.

Mr. CULBERSON. As there seems to be a report accompanying this bill, I will ask to have it read.

Mr. GALLINGER. There is a report. Let the report be read. It is not very long.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. Gamble January 13, 1908, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2028) to amend section 605 of the Code of Law for the District of Columbia, relating to corporations, having considered the same, report thereon with a recommendation that it pass.

A similar bill was introduced in the Senate during the Fifty-eighth Congress and favorably reported by your committee.

A bill identical in form was also introduced in the Senate during the Fifty-ninth Congress, favorably reported by your committee, and passed by the Senate.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, whose reasons for recommending its enactment are set forth in the following letter:

OFFICE OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 9, 1907.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to amend section 605 of the Code of Law for the District of Columbia," the object of which is to authorize the incorporation of companies to deal in real estate in the District of Columbia, and to recommend its early enactment.

The section now reads as follows:

"Any three or more persons who desire to form a company for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, corporations to buy, sell, or deal with real property, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the recorder of deeds a certificate in writing."

The modification contemplated by this proposed amendment consists in the omission of the words "corporations to buy, sell, or deal with real property."

The present law prohibits corporations chartered within the District of Columbia from doing things which are not excepted as to those incorporated outside of the District, thus constituting a discrimination against citizens of the District. There is no reason apparent to the Commissioners why residents of the District should not be authorized to organize for the purposes of purchasing, improving, and selling land within the District limits on the community or park plan, much less why they should be precluded from advantages enjoyed by a combination of persons incorporated outside of the District.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

HON. J. H. GALLINGER,

Chairman Senate Committee on the District of Columbia.

Mr. BACON. Mr. President, I dislike to suggest anything that would interfere with the progress of business as desired by the Committee on the District of Columbia, but the question of the conferring of corporate powers by the Federal Government is a very important one, and I should be very glad of an opportunity to examine the bill.

Mr. GALLINGER. Let the bill go over.

Mr. BACON. I only make the suggestion with that view. I will state further, if the Senator from New Hampshire will pardon me, that, unless he has in connection with the committee of which he is chairman what might be called a judiciary committee, I think that a bill of this kind ought to be examined by the Judiciary Committee of the Senate. But I know there are able lawyers upon the Senator's committee, and if the bill has passed their scrutiny, of course I would not make that suggestion.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will say to him that the Committee on the District of

Columbia is very desirous to unload part of its work, and if there is any other committee of this body who wants that work, it will be cheerfully sent to that committee. This particular matter has been looked into by some of the lawyers on the Committee on the District of Columbia. They may be mistaken in their conclusions. I think, however, the bill ought to go over until the Senator from Georgia shall have an opportunity to examine it. So I ask that it may be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

BRANCH LIBRARY AT TAKOMA, D. C.

The bill (S. 1476) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch was announced as next in order on the Calendar.

Mr. CULBERSON. I ask that the report accompanying that bill may be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. JOHNSTON January 13, 1908, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1476) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch, having considered the same, report thereon with a recommendation that it pass.

A similar bill (S. 6406) was introduced in the Senate during the Fifty-ninth Congress, reported favorably, and passed by the Senate.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 6, 1907.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch," and to recommend its early enactment.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

HON. J. H. GALLINGER,

Chairman Committee on the District of Columbia,
United States Senate.

Mr. HEYBURN. Mr. President, I shall have to object to the bill.

The VICE-PRESIDENT. Objection is made, and the bill will lie over without prejudice.

LOTS 13 AND 14, SQUARE 959, DISTRICT OF COLUMBIA.

The bill (S. 903) to amend section 2, chapter 433, Thirtieth Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washington, D. C.," was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in section 2, page 3, line 9, after the words "Secretary of," to strike out "the Interior" and insert "War;" in line 10, after the word "such," to strike out "lost" and insert "lots;" and in line 11, after the words "Secretary of," to strike out "the Interior" and insert "War;" so as to make the section read:

SEC. 2. That said act be further amended by adding thereto a section to be designated as section 3, as follows:

"SEC. 3. That whenever it shall appear that the United States has any interest in any lot in the city of Washington, D. C., not actually occupied by any claimant and in respect of which there has not been such payment of taxes as is by the preceding section made the equivalent of possession, the jurisdiction is hereby conferred upon the Secretary of War to receive and act upon applications to purchase such lots, and, upon such terms as the said Secretary of War for the time being may see fit to impose and which in his judgment shall be for the interest of the United States, whether by requiring payment for all unpaid taxes or an additional sum, to make sale of the interest of the United States in any such lot or lots as are referred to in this section, and upon the compliance with the terms so imposed to make conveyance in fee simple on behalf of the United States to the purchaser."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEDICAL DEPARTMENT OF THE ARMY.

The bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

CLAIMS OF OMAHA TRIBE OF INDIANS.

The bill (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole.

Mr. KEAN. Let the report accompanying that bill be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. BROWN, January 14, 1908, as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 2901, authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, report the same back with the recommendation that it do pass.

A bill similar to this passed the Senate at the last session of Congress, the report on that bill (S. 6190) being as follows:

"That the said bill has been submitted to the Interior Department and has received a favorable report of the Secretary of the Interior under date of June 4, 1906, and of the Commissioner of Indian Affairs under date of June 2, 1906, with suggestions as to slight modifications therein.

"The Acting Commissioner of Indian Affairs reports:

"This Office has had the matter before it for a number of years and has recommended approval of the contract between the tribe and the attorneys in order that the claim of the Indians might be passed on in a manner satisfactory to the tribe, the last report submitted to the Department on this subject being dated May 1, 1901.

"The matters relating to the Omaha tribe have been carefully considered by the Indian Office when the transactions were taking place, and each affair settled in the way that was believed to be for the best interest of all concerned, but the Indians have not been satisfied, and have for a long time insisted that they have never received their just dues from the United States. They have also insisted on their right to have some one of their own choosing make an investigation for them and prosecute their claim before the proper tribunal.

"The Office is in favor of referring intricate claims and questions involving the rights of Indians to moneys or lands due from or taken by the United States to the Court of Claims for adjudication, and if Congress sees fit to refer this matter to the Court of Claims, doubtless the findings will be satisfactory to all concerned."

"The facts appear to be that by a treaty ratified and affirmed on the 16th day of March, 1854, the Omaha Indians ceded to the United States all of their lands west of the Missouri River and south of a line drawn due west from a point in the center of the main channel of the Missouri River due east of where the Ayouway River empties out of the bluffs to the western boundary of the Omaha country. They reserved for their own use as a future home the land north of said line, provided that if upon exploration this land should prove unsatisfactory as a location the President might, with the consent of the Indians, set apart and assign to them within the ceded country south of this line a residence suited for and acceptable to them, said location on the south of the river not to be more than 300,000 acres, if they elected to take it.

"They were to be paid for the land north of the dividing line, providing they accepted a home south, at the same rate per acre as was paid for that south of the river, deducting the acreage taken for the new home. The price paid for the land so ceded was 14 cents an acre. They accepted a home containing 300,000 acres south of the line, and the area of the land north of said line was about 800,000 acres. For the difference of 500,000 acres which they claim should have been paid for at 14 cents per acre the Interior Department does not contend that settlement has been made, and from the examination and information which your committee has been able to obtain there seems to be just cause for complaint upon their part.

"These Indians were allotted in 1882 and 1883, and the period at which the trust patents will expire by limitation runs within the next two years. They will hold their lands in fee, and they have been citizens of the United States since their allotment, a period of about twenty-three years, and are reported as being competent in all ways to transact their own business. They very strongly express their desire to prosecute a suit for a general settlement with the United States, and to be represented by competent counsel of their own choice before the Court of Claims in said suit. They further insist upon a right to secure a settlement of some small unpaid balances which they believe to be due them under other treaty provisions."

The bill as now reported is in the exact form as the bill that passed the Senate at the last session of Congress, with the exception of the omission of a clause recognizing attorneys.

Mr. BURKETT. The Senator from Wisconsin [Mr. LA FOLLETTE] reported the bill and manifested some interest in it last year. He is not present. He asked me yesterday if it came up within a week to request that it should go over. If he were present, I know he would ask to have it go over and not lose its place on the Calendar. Therefore, in justice to the Senator from Wisconsin, I ask that the bill may go over for a week without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. KEAN. While the Senator from Nebraska is on his feet I should like to ask him something about the bill. I know he is very familiar with the subject; he once looked it up very carefully, I remember, upon the Committee on Claims. How much is involved in the bill?

Mr. BURKETT. As near as we could estimate and get at it, \$75,000; perhaps less rather than more. The Senator from Wisconsin, Mr. Spooner, looked it up also, and, as near as he could get at it, that is about what it is.

The VICE-PRESIDENT. The bill will go over without prejudice.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, was considered as in Committee of the Whole. It proposes to amend the act referred to by extending its provisions in behalf of the chief engineer of the fire department and all other officers of that department of and above the rank of captain to any chief engineer of the fire department and all other officers of the department of and above the rank of foreman who were retired and pensioned in pursuance of law prior to the approval of the act referred to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL OF FORESTRY IN NORTH DAKOTA.

The bill (S. 560) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as the next business in order on the Calendar.

Mr. KEAN. I do not see the Senator from North Dakota [Mr. HANSBROUGH] present. I think the bill had better go over.

Mr. HANSBROUGH. I hope the Senator from New Jersey will not insist upon that.

Mr. KEAN. I beg pardon.

Mr. HANSBROUGH. A similar bill passed the Senate during the last Congress. There can not be any objection to it.

Mr. KEAN. Are there any forests in North Dakota?

Mr. HANSBROUGH. We hope to have forests if the bill is passed.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. HANSBROUGH. Certainly.

Mr. CARTER. Mr. President, on a former occasion I interposed an objection to a bill granting to the State of Wyoming certain lands for the purposes in that bill specified. I did that with a view to terminating, in so far as I could, the granting of public lands in aid of State or private projects. The proceeds of public lands have been dedicated to the reclamation service fund, and it seems to me that every donation of land made necessarily depletes the source of revenue for that very important fund. I shall object to the consideration of this bill and its passage, and to all like bills presented, upon exactly the same basis and for the same reason that I objected during the last session of Congress to the donation of public lands to the State of Wyoming.

I have been importuned, and I think every Senator from a public-land State has been importuned, to secure donations of public land for all conceivable purposes; and the purpose is generally legitimate and of a public nature. If one of these bills is permitted to pass, the Senate thus becomes committed to a continuance of the policy, and every Senator will be compelled, whatsoever his general views may be, to look well to it that his State receives its share in the general process of the distribution of the public domain by grants. I should claim for Montana its due share if we are to parcel the public domain in general grants rather than to have the land taken up under the public-land laws.

Mr. President, I have no objection to a school of forestry being established in the State of North Dakota. I know of no section of the country where the people are more in need of trees than in that particular State, and they should receive instruction in the matter of tree culture. But if we are to establish a school in that State at the expense of the Federal Government, let the school be established by a direct appropriation from the Treasury for that purpose.

The school of forestry which can be most efficient, I think, will consist of some movement by the national forestry service which will induce the farmers and property owners of the country generally to engage in the work of tree culture and tree-life preservation. The effort of the Federal Government or of a State government to plant trees at public expense must necessarily result in extraordinary expenditures of money by the Treasury and comparatively trifling results in the way of developing forests. Instructions issued by the National Forestry Bureau to the people of the various localities in the country with reference to the trees that can be planted and successfully grown in each locality will finally develop a desire amongst the people to plant trees suitable to the location in which they live, and when all the people become interested, put their shoulders to the wheel, the existing forests will be some-

what safeguarded and the country denuded of forests will be reforested. As long as we depend for success in forestry upon Government agents planting seed we will find a very trifling return for a very large expenditure of money.

Mr. HANSBROUGH. Mr. President, I simply desire to call the attention of the Senate to the fact that the State of North Dakota has established a school of forestry and the institution is now in operation. It has professors and students; it has a very fine building, and the proposed donation of 30,000 acres is simply for the encouragement of the institution. Under the bill there would be no Government agents planting trees in North Dakota. They would be planted under the instruction of the State school.

But I understand the Senator from Montana to object to the passage of the bill, and I ask that it may go over without prejudice.

Mr. CARTER. I will join the Senator from North Dakota in extending aid to schools of forestry in the respective States precisely as we now extend aid to the agricultural and experimental stations. I think the schools of forestry should be attached to the experimental stations rather than be established upon a separate basis. Let this aid not be spasmodic, but regular, so that a policy can be inaugurated with the assurance that it will be continuously sustained. The sum of \$5,000 per year to the State of North Dakota and a like sum to other States having need of instruction would be better than to take a lump area of land, to be rented out and handled by the State authorities indefinitely, for the purpose of getting what may be gotten out of the land from time to time for the aid of schools.

I am in hearty sympathy with the movement to add to every experimental station a school of forestry, increasing the appropriation to agricultural colleges and experimental stations, so as to make it reasonably certain that the States will be encouraged by some supplemental aid from the Federal Government. But I think the donation of public land in large lots is inherently wrong at this stage of the country's development.

Mr. HANSBROUGH. I ask that the bill may go over without prejudice, holding its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice.

BOARD OF CHARITIES—BOARD OF CHILDREN'S GUARDIANS.

The bill (S. 2029) providing for the appointment of members of the Board of Charities of the District of Columbia and of the Board of Children's Guardians was considered as in Committee of the Whole. It proposes to amend the laws relating to the boards named by providing that appointments and removals of the members of the boards shall hereafter be made by the Commissioners of the District of Columbia.

Mr. KEAN. Let the report in the case be read.

The VICE-PRESIDENT. The Secretary will read the report, in the absence of objection.

The Secretary read the report submitted by Mr. NEWLANDS on the 14th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2029) providing for the appointment of members of the Board of Charities of the District of Columbia and of the Board of Children's Guardians, having considered the same, report thereon with a recommendation that it pass.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 6, 1907.

SIR: The Commissioners have the honor to transmit herewith a draft of "A bill providing for the appointment of members of the Board of Charities of the District of Columbia and of the Board of Children's Guardians," and recommend its enactment during the present session of Congress. The members of the Board of Charities are now appointed by "the President of the United States, by and with the advice and consent of the Senate," and the members of the Board of Children's Guardians by "the judges of the police court and the judge holding the criminal court of the District of Columbia," under the acts mentioned in the proposed bill.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners District of Columbia.
Hon. J. H. GALLINGER,
Chairman Committee on District of Columbia,
United States Senate.

Mr. KEAN. I think the bill clearly interferes with the appointing power of the President, and I suggest that it go over. The VICE-PRESIDENT. Under objection from the Senator from New Jersey the bill will go over.

Mr. GALLINGER. I will ask the Senator from New Jersey kindly to repeat the statement he made.

Mr. KEAN. I merely stated that from the letter of the Commissioners the bill seemed to take away the appointing power from the President and to transfer it to the Commissioners.

Mr. GALLINGER. I thought that was what the Senator said, and for the RECORD I simply want to say that the Executive was consulted in regard to the matter and would be very glad to have the change made.

Mr. KEAN. If the President is willing to give up the appointments I am glad to know it, and I withdraw my objection.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. The objection is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. K. SCOTT—E. JACKMAN.

The bill (S. 820) for the relief of L. K. Scott was announced as the next business in order on the Calendar.

Mr. LODGE. Of this bill and the following one, the bill (S. 2580) for the relief of B. Jackman, we have no copies on our file, at least I have none; nor are there copies of the reports. As they are both claim bills, I think they had better go over. I shall make no objection to the bridge bills that follow.

The VICE-PRESIDENT. Without objection, the bills indicated by the Senator from Massachusetts will be passed over.

CUMBERLAND RIVER BRIDGE NEAR CELINA, TENN.

The bill (H. R. 10519) to authorize the Nashville and North-eastern Railroad Company to construct a bridge across Cumberland River at or near Celina, Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT BURLINGTON, IOWA.

The bill (H. R. 4891) to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WHEELING, W. VA.

The bill (S. 3336) to increase the limit of cost of the United States post-office and court-house at Wheeling, W. Va., was considered as in Committee of the Whole. It proposes to increase the limit from \$400,000 to \$440,000, the increase to be employed for decorations and other purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

PUBLIC BUILDING AT ALEXANDRIA, MINN.

The bill (S. 721) to increase the limit of cost of the United States post-office at Alexandria, Minn., was considered as in Committee of the Whole. It proposes to increase the limit from \$30,000 to \$45,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT COLORADO SPRINGS, COLO.

The bill (S. 2981) to increase the limit of cost of the United States post-office and court-house at Colorado Springs, Colo., was considered as in Committee of the Whole. It proposes to increase the limit of cost from \$275,000 to \$290,000, the increase to be employed in substituting granite for sandstone.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING IN NEW YORK CITY.

The bill (S. 3955) to provide for the erection of a post-office building at New York City was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to cause to be erected on the site heretofore acquired by the United States for the purpose, a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, and approaches, complete, for use as a post-office in the city of New York, at a total limit of cost, exclusive of site and special foundations heretofore authorized, of not to exceed \$3,500,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF PRIVATE PENSIONS.

The bill (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate per month stated in lieu of the pension they are now receiving, as follows:

William H. Drake, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, \$30.

Daniel R. Palmer, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, \$30.

Milton S. Hammond, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, \$30.

Edwin N. Kline, late of Battery C, Fifth Regiment United States Artillery, \$30.

Logan McD. Scott, late of Companies H and G, Fifteenth Regiment Ohio Volunteer Infantry, \$30.

William M. Wixon, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, \$30.

Albert E. Goodwin, late of Company H, Third Regiment Michigan Volunteer Infantry, \$30.

Albion Crane, late of Company H, Sixty-third Regiment, and Company B, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, \$30.

Frederic Getchell, late of Company D, Eighth Regiment Maine Volunteer Infantry, \$30.

Irving Campbell, late of Company A, Seventh Regiment California Volunteer Infantry, \$30.

Thomas W. Money Penny, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, \$30.

George W. Phillips, late of United States ships *Sabine*, *Niagara*, and *Savannah*, United States Navy, \$30.

William G. Jordan, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, \$30.

William Deter, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, \$30.

Palmer Atkins, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, \$30.

Edward S. Hyde, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, \$30.

Job D. Lewis, late of Company F, Twenty-sixth Regiment Illinois Volunteer Infantry, \$30.

Orrel Brown, late of Company C, Sixteenth Regiment Maine Volunteer Infantry, \$30.

James J. Hartin, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, \$30.

Rawson Bailey, late of Company H, Fifty-ninth Regiment Massachusetts Volunteer Infantry, \$30.

Ferdinand Ohmes, late of Company G, Forty-sixth Regiment New York Volunteer Infantry, \$30.

Asa D. Clark, late of Company K, Seventh Regiment Michigan Volunteer Infantry, \$24.

Thomas Donohue, late of Company I, Forty-eighth Regiment Indiana Volunteer Infantry, \$24.

Thomas J. Reed, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and Company H, Fifth Regiment Ohio Volunteer Cavalry, \$24.

Charles F. Millett, late of Company F, Maine Volunteer Coast Guards, \$24.

Clarence L. Walker, late of Battery L, Second Regiment Illinois Volunteer Light Artillery, \$24.

Thomas B. Parks, late of Company C, First Regiment Arkansas Volunteer Cavalry, \$24.

Milton H. Barnes, late of Company K, First Regiment New York Volunteer Heavy Artillery, \$24.

Thomas S. Cottrell, late of Company A, Maine Volunteer Coast Guards, \$24.

Nelson S. Wellman, late of U. S. S. *Juliet*, United States Navy, \$24.

Daniel Guptill, late of Company F, Twenty-seventh Regiment Maine Volunteer Infantry, \$24.

James Henry Webb, late of Company H, Twenty-third Regiment Illinois Volunteer Infantry, \$24.

George A. Clipper, late of Company I, Ninety-fifth Regiment New York Volunteer Infantry, \$24.

Phillip Ford, late of Company E, Second Regiment Rhode Island Volunteer Infantry, \$24.

Albert T. Covill, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, \$24.

William H. Hendrickson, late of Company I, One hundred and fifty-first Regiment Illinois Volunteer Infantry, \$24.

Amos Coulter, late of Company F, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, \$24.

Charles H. Randall, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, \$24.

Delos White Leach, late of Company A, One hundred and ninety-third Regiment New York Volunteer Infantry, \$24.

Joseph T. Woodward, late first lieutenant and adjutant, Twenty-first Regiment Maine Volunteer Infantry, \$24.

Enos H. Stevens, late of Company F, Twenty-ninth Regiment Maine Volunteer Infantry, \$30.

A. Judson Annis, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, \$30.

James W. Shroyer, late first lieutenant Company G and captain Company H, Fourteenth Regiment West Virginia Volunteer Infantry, \$30.

John T. Fort, late of Company A, Seventh Regiment Vermont Volunteer Infantry, \$24.

Robert W. Jones, late of Fifth Independent Battery, Ohio Volunteer Light Artillery, \$24.

James Fisher, late of Company D, One hundred and first Regiment Illinois Volunteer Infantry, \$30.

Edward H. Williams, late of Company I, One hundred and Seventh Regiment Illinois Volunteer Infantry, \$30.

Henry Dulin, late of Company C, Tenth Regiment, and Company G, One hundred and fifty-fourth Regiment, Indiana Volunteer Infantry, \$30.

Albert E. Stewart, late of Company B, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, \$24.

James H. Gray, late of Company K, Sixty-fifth Regiment Indiana Volunteer Infantry, \$30.

Annanias Drew, late of Company G, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, \$24.

Mathew W. Martin, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, \$30.

Edson H. Webster, late of the United States Marine Corps, \$24.

James P. Hubbell, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, \$24.

Levi S. Beemer, late of Company A, Seventh Regiment Iowa Volunteer Infantry, \$50.

Cornelius M. Conley, late second lieutenant Company B, Ninth Regiment West Virginia Volunteer Infantry, \$30.

John C. McClurkin, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, \$24.

William F. Evans, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, \$24.

Joseph S. Buck, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, \$24.

Edward N. Marsh, late of Company E, First Regiment Wisconsin Volunteer Infantry, \$30.

George Page, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, \$24.

James Foley, late of Company K, Second Regiment California Volunteer Cavalry, \$36.

Andrew J. Mullinix, late of Company B, Second Regiment Tennessee Volunteer Infantry, \$24.

Josiah R. Fox, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, \$30.

Charles Hamlin, late major and assistant adjutant-general and brevet brigadier-general, United States Volunteers, \$50.

James B. Linderman, late of Company K, One hundred and thirty-second Regiment Illinois Volunteer Infantry, \$24.

Lucretia G. Webster, widow of William E. Webster, late acting third assistant engineer, United States Navy, \$16.

Marth J. Browne, widow of Albert W. Browne, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, \$16.

Isabella Roessle, widow of Henry G. Roessle, late lieutenant-colonel Fifteenth Regiment New York Volunteer Cavalry, \$20.

Annie B. Berry, widow of Richard Berry, late acting master's mate, United States Navy, \$16.

Mary E. Walker, widow of Samuel H. Walker, late of Company F, Sixth Battalion District of Columbia Volunteer Infantry, and captain Company D, Third Regiment Maryland Volunteer Infantry, \$16.

Martha A. Sheldon, widow of Charles H. Sheldon, late captain Company I, Seventh Regiment Vermont Volunteer Infantry, \$20.

Margaret G. Gorman, widow of John M. J. Gorman, late of Company I, First Regiment Delaware Volunteer Infantry, \$16.

Harriet Garwood, widow of Richard Garwood, late of Company A, Second Regiment Ohio Volunteer Infantry, war with Mexico, and Company I, Sixth Regiment Ohio Volunteer Infantry, \$16.

Almire E. Briggs, widow of George L. Briggs, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry and One hundred and fifty-ninth Company, Second Battalion Veteran Reserve Corps, \$12.

Ada Eaton, widow of John Eaton, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, \$12.

Rose Hollihan, widow of Peter Hollihan, late of Company F, Second Regiment Rhode Island Volunteer Infantry, \$16.

Ellen E. Traver, widow of Lorenzo Traver, late acting assistant surgeon, United States Navy, \$16.

Jane Newton, widow of Francis E. Newton, late captain Company H, Twenty-ninth Regiment United States Colored Volunteer Infantry, \$20.

Nancy Baxter, widow of William W. Baxter, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, \$20.

Laura M. Farnham, widow of John Farnham, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, \$12.

Elmira Lombard, widow of Norman W. Lombard, late of Company C, Fourth Regiment Vermont Volunteer Infantry, \$12.

Julie M. Hinsdill, widow of Chester B. Hinsdill, late lieutenant-colonel and commissary of subsistence, United States Volunteers, \$20.

Emma L. Slack, widow of John W. Slack, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, \$12.

Elvira E. Baxter, widow of Henry Baxter, late lieutenant-colonel Seventh Regiment Michigan Volunteer Infantry and brigadier-general United States Volunteers, \$50.

Grace A. Lines, widow of Edward C. D. Lines, late captain Company C, Second Regiment Kansas Volunteer Cavalry, \$30.

Emily O. Wallace, widow of William Wallace, alias Wallis, late of Company D, First Regiment Maine Volunteer Heavy Artillery, \$16.

Mr. KITTREDGE. I move to amend, on page 11, line 13, by striking out the word "twenty-four" and inserting in lieu thereof the word "thirty."

The VICE-PRESIDENT. The Senator from South Dakota proposes an amendment, which will be stated.

The SECRETARY. On page 11, line 13, it is proposed to strike out "twenty-four" and insert "thirty," so as to read:

The name of Joseph S. Buck, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. LODGE. Is it proposed to raise all these pensions to \$30 per month?

Mr. KITTREDGE. I consulted the chairman of the Pensions Committee, and he advised me that the amendment is within the rules which have been adopted by the Pensions Committee.

Mr. LODGE. And it has the approval of the committee?

Mr. KITTREDGE. It has the approval of the committee.

Mr. LODGE. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

REVISION OF PENAL LAWS.

Mr. HEYBURN. I ask that the unfinished business be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. GALLINGER. Mr. President, we have taken two days off after to-day, until Monday next, and I think under the circumstances we ought to have a quorum of the Senate present to-day. I make the point of no quorum.

The VICE-PRESIDENT. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Gallinger	Perkins
Bankhead	Culberson	Gamble	Richardson
Borah	Cullom	Gugenhelm	Simmons
Brown	Curtis	Heyburn	Smith
Bulkeley	Depew	Johnston	Stone
Burkett	Dolliver	Kean	Sutherland
Burnham	Elkins	Kittredge	Taliaferro
Burrows	Flint	La Follette	Warner
Carter	Frazier	Long	Whyte
Clark, Wyo.	Frye	Martin	
Clay	Fulton	Newlands	

The VICE-PRESIDENT. Forty-two Senators have answered to their names. A quorum of the Senate is not present.

Mr. HOPKINS entered the Chamber and answered to his name.

Mr. HEYBURN. I ask that the absentees be called.

The VICE-PRESIDENT. Without objection the Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

Mr. HEYBURN. I think in a minute or two there will be no occasion for further proceedings under the call.

Mr. WARREN, Mr. DILLINGHAM, and Mr. BRYAN entered the Chamber and answered to their names.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

The question is on the amendment proposed by the Senator from Nebraska [Mr. BURKETT], which will be stated.

The SECRETARY. On page 25, line 10, after the word "years," it is proposed to strike out the words "or both," so as to make the section read:

SEC. 42. Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole, or any part of any claim, account, or demand against the United States, shall be fined not more than \$5,000, or imprisoned not more than ten years.

The amendment was agreed to.

The next section was read, as follows:

SEC. 43. No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than \$2,000 and imprisoned not more than two years.

Mr. BACON. Mr. President, I do not know the order in which we are proceeding. Is it understood that every section as read will be considered as agreed to?

Mr. HEYBURN. Mr. President, I understand that according to the rule under which we are proceeding, it is in order at any time to recur to a section that has been passed.

Mr. BACON. I understand that; but I was not present when the bill was first taken up, and I want to know whether its consideration is proceeding upon the assumption that a failure to indicate opposition to a section will be considered as an agreement to it as in Committee of the Whole. As I understand, the bill is now being considered as in Committee of the Whole.

Mr. HEYBURN. It will not be considered as an agreement, except that it will be considered as being passed without objection, subject always to the right to recur to it.

Mr. BACON. Then I should like to inquire of the Senator whether this provision as read from the desk is the provision as it now appears in existing law.

Mr. HEYBURN. I would direct the attention of the Senator from Georgia to part 1 of the report, page 15.

Mr. BACON. I have not a copy of the report before me.

Mr. HEYBURN. We have taken up each section in part 1 of the report; we have indicated the changes which have been made and the purpose of reporting it in the shape it appears. I refer to page 15. The sections are enumerated in their order. Section 43 is the one now under consideration. The report shows that section 43 is section 1783 of the Revised Statutes. It applies only to the officers of banking companies—that is in the existing law—or other commercial corporations. Those words have been omitted, so that the section may reach officers of any corporation. The language is also broadened so that this provision will cover the officers and agents of any joint stock company or association.

Mr. BACON. As there is a change, evidently, I will ask that the section as it now stands in the statute book may be read, so that we may see what is the pertinency of the change which is proposed.

Mr. HEYBURN. I would inquire of the Senator from Georgia whether he has part 2 of the report before him?

Mr. BACON. I have not.

Mr. HEYBURN. I would suggest to the Senator that part 2 of the report, which will give him the existing law, is printed opposite the section as read.

Mr. BACON. Very well. It is manifestly necessary that that comparison be made and that each time the law as it exists shall be read.

Mr. HEYBURN. I direct the attention of the Senator to pages 52 and 53 of part 2. The sections are in their proper order, and the Senator will find printed on the page immediately or directly opposite section 43 the existing law with a reference to the date of its enactment and the place where it is reported.

Mr. BACON. I should like to ask the Senator from Idaho to explain the reasons for these changes.

Mr. HEYBURN. I will do so, Mr. President. Section 43, which in existing law is section 1738 of the Revised Statutes of the United States, which was enacted in 1863, was intended to apply only to banking companies and other commercial corporations. Conditions in this country have changed very much since 1863. The business of the country has passed very largely into the hands of corporations other than those covered by the Revised Statutes. It is also true that other business organizations, which would be classified as joint stock companies and associations, have come into existence and are doing a great deal of business.

Now, there is no reason why the restrictions that were imposed against banking companies should not apply to all existing business organizations that are liable to be placed in the same relation to Government contracts as were banking corporations. So that the committee has merely enlarged the provisions of the statutes to cover existing conditions that have arisen largely since the enactment of the original statute. That covers the amendment, which is the incorporation of the words "joint stock company or association." In lines 9 and 10 on page 52 of the report the penalties are transposed merely in order to conform to the general manner of statement, which runs throughout the bill in the interest of uniformity.

Mr. BACON. As I understand, Mr. President, the penalty is changed.

Mr. HEYBURN. No; the penalty is not changed, except that it is transposed.

Mr. BACON. I see.

Mr. HEYBURN. As it reads now it says:

Who so acts, shall be imprisoned not more than two years and fined not more than \$2,000 nor less than \$500.

Under the general rule adopted we have abolished minimum punishments throughout the entire code, leaving that to the court. So that, with the exception of striking out the minimum punishment, the punishment remains the same as under existing law; but we have not indicated where the minimum punishment was stricken out by any mark, italics, or brackets, or such designation, because we have mentioned it in the general provision designating the changes that have been made, which are common to all of the sections.

Mr. BACON. Mr. President, I think the explanation of the Senator is very satisfactory. It seems so to me personally, at any rate, though I do not know how it may appear to other Senators.

Mr. CLAY. Let me ask the Senator from Idaho a question.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. I regard it as a very important matter and as a very dangerous thing to undertake to amend the statutes of the country without such changes having thorough consideration by the Senate. If I understand the Senator, the old law is simply printed in Roman text and the new law in italics—that is, the amendments made by the committee. All the amendments which have been made by the committee to existing laws are printed in italics in every section, as I understand. Is that correct?

Mr. HEYBURN. That is correct. Has the Senator the report of the committee before him or the bill?

Mr. CLAY. I have the bill before me.

Mr. HEYBURN. Then I will suggest that Senators will find it much more convenient to discard the use of the bill and have part 2 of the report before them, because the bill is printed on the left-hand page of that report and the existing law is printed verbatim directly opposite on the right-hand page. It will save much trouble if Senators will use that report.

Mr. CLAY. I will ask the Senator if the committee was authorized to codify, amend, and change existing laws?

Mr. HEYBURN. The committee was authorized, I will say, by the language of the act to "propose and embody in such revisions changes in the substance of existing law"—that is, among other things, they were authorized to revise and codify and to propose changes. The Senator will find that on page 2 of part 1 of the report. The report is presented in parts 1 and 2.

Mr. FULTON. Does the Senator from Idaho refer to the report of the Commission or the report of the committee?

Mr. HEYBURN. The Senator understands that the joint committee was appointed to consider the work of the Revision Commission.

Mr. CLAY. A committee of Senators?

Mr. HEYBURN. The Revision Commission was not a committee of Senators; it was a Commission appointed by the President and confirmed by the Senate. A joint committee of the Senate and the House was appointed for the purpose of considering the work and the report of the Commission. That being the object of their consideration, they have at all times brought forward in their report the work of the Commission, either with their approval or with such suggestions in the nature of amendments as seemed to them wise. That is the form in which we have presented it.

I am prepared to refer any Senator to the section of the Commission's report, should he desire to examine it. I have the Commission's report here in two volumes. I think the Senator has it, or at least it was placed on the desks of Senators at the beginning of the session.

By a reference to the Commission's work, which is in these two volumes [indicating], reported pursuant to an act of Congress directing them to report by a given day, it may be readily ascertained what changes have been made, both by the Commission and by the committee appointed to revise the work of the Commission. Primarily this joint committee that now reports to both Houses of the Congress, and whose work is under consideration, was appointed to supervise and revise the work of the Commission. In process of doing so, as I stated yesterday in the absence of the Senator from Georgia [Mr. CLAY], I believe, the committee thought it wise to eliminate entirely about 170 sections of new legislation that had been proposed by the Commission.

Mr. CULLOM. Are they contained in these two volumes?

Mr. HEYBURN. They are contained in these two volumes to which the Senator refers, which comprise the report of the Commission to the Congress, but they are not in the report of the committee. They have been eliminated.

Mr. CULLOM. Are the laws to which the Senator refers now in force?

Mr. HEYBURN. They are not laws now; they are merely suggestions coming from the Commission. I have had them bound in these volumes.

Mr. BURKETT. I wish to ask the Senator a question in the line of my suggestion yesterday. How are we to know what the Commission have recommended and what the committee have recommended? How are we to know what appears in the bill is what the Commission recommended or what the committee recommended, or what by authority of the Commission or by the authority of the committee is left out? How are we to know what the Commission did and what it did not do by a reading of this bill?

Mr. HEYBURN. By comparison. If the Senator desires to compare the work of the committee with that of the Commission, he will find references in the report of the committee, and he will find at the end of volume 2 of the report of the Commission a reference index by sections of the Revised Statutes, and then cross references by sections of the report of the Commission. The references to sections of the Revised Statutes are also found on the right-hand page of part 2 of the Commission's report. Then, again, at the end of the committee's report the Senator will find a table of references, in the nature of an index, to sections of the bill; which makes the comparison very convenient.

Mr. BURKETT. Then, as I understand—

Mr. HEYBURN. If the Senator does not desire to take the trouble to make the comparison himself, and will call my attention to it, I have before me a comparative reference to every section of the Commission's work—for instance, section 43 is section 8650 of the Commission's report—and I will take pleasure in furnishing any Senator with that reference without putting him to the trouble of hunting it up for himself.

Mr. BURKETT. Then, in other words, if we do follow this properly and desire to know what the Commission did and what the committee did, we have got to go through this volume here, which is part 2 of the report, the index which the Senator has made up, and the two volumes of the original Commission's report—at least four volumes. Is that the idea?

Mr. HEYBURN. Mr. President, that will, of course, depend on how the Senate is going to take up this work. It is usual for the Senate to give some consideration to the work of its committees. This work has been done by a committee of the Senate and of the other House. Should the Senate, as in Committee of the Whole, find it necessary to reperform the work that the committee of the Senate has performed, it will be nec-

essary to consider, first, the Revised Statutes of the United States; second, the first and second Supplements to the Revised Statutes of the United States, and, third, all the statutes at large since the second supplement. It will be necessary for the Senate to consider those, and post them up as it would a ledger, until it had determined exactly what statutes had been repealed, what statutes had been amended, and the effect of the repeal or the amendment under the decisions of the courts in interpreting the laws throughout the entire history of this country.

Now the committee have performed that work, and I do not suppose for a moment that the Senate as in Committee of the Whole, or otherwise, intends to go over all the work that this committee has performed. If the committee was wisely selected—and that is a matter for the Senate—it is presumed to have taken up its work conscientiously and to have performed it in a capable manner.

The inquiry of the Senator, though, compels me to say that if the Senate, as in Committee of the Whole, intends to follow every subject over which this committee has traveled, it will have to devote more time than it can possibly give to any subject, however important; and, as suggested by the Senator from Georgia [Mr. CLAY], there is no subject more important than the revision of the laws of the United States.

We spend hours and days and weeks and sometimes months in Congress in discussing, considering, and settling questions of minor importance, the whole pith and meaning of which is contained probably in one section of this revision, in not to exceed five lines, and we do not consider the time misspent at all.

We come here, not only to consider a single provision that may affect a portion of the people in their personal or property rights, but we come here to consider provisions of a criminal code that affect the salvation and preservation of the country itself, because it is a criminal code enacted by Congress that stands between the Government and those who would attack it through any source, by any means. It is the criminal code that provides for the punishment of the enemies of law, of justice, of order, and of good government, and there could be no more important subject. I fully realize it.

I can not answer the inquiry of the Senator more completely I think than I have done. If the Senator means that we are to go over in this body, as in Committee of the Whole, all the work that this committee has done, then it will have to occupy the months and months that this committee has been engaged in preparing and presenting this report.

Mr. BURKETT. Mr. President, I think the Senator does not grasp just exactly my meaning. I do not want this bill delayed. I want to take it up and pass it, if we can get through with it, and I appreciate the labor that the committee has given to this matter. The Senator has read the law under which the Commission was appointed. That Commission was authorized not only to codify, but to suggest amendments, as he has read. What I was trying to get before him and to understand thoroughly was this: The Commission practically made the bill; that is, they drew it up with their suggested amendments. Now, the committee have gone out and, after a good deal of work, they have set aside some of those amendments, perhaps, or they have reported amendments of a different character. Speaking for myself, if, acting under that authorization of law, I knew that one of these amendments had been favorably considered by the Commission and then had been favorably considered by this committee, it would go a long way in persuading me that that particular amendment was exactly right. If, however, when I come to one of these amendments and I do not know whether the Commission favored it or not and do not know whether it has been considered favorably by both the Commission and the committee, or do not know but that one took one view of the matter and the other another view, I can not tell from these amendments, as they appear here, just how much weight I ought to attach to the report of this committee, because there may be a division between the Commission and the committee on the particular provision.

I simply wanted to find this out for this reason: I understood the Senator to say yesterday—and he has denied that statement, and therefore I am not saying I understand it that way now—but I understood him to say that the committee did not recommend and indorse all the amendments they suggest in bringing in the work of the Commission. Afterwards, however, the Senator stated that that was not exactly correct, because the committee did stand for what is in these amendments, and yet I recall that on yesterday the Senator pointed to section 33 and said he himself would not stand for that amendment and expected later on to raise a point of order or some objection against it and try to keep it out of the bill. So the Senator

can see that, as I understand it now, just using it as an illustration, section 33 is no part or is it a part of the Commission's report?

Mr. HEYBURN. Mr. President, section 33 is an amendment proposed by the committee, which was passed, and has not been considered. When it was reached I stated that it would be passed because it was new legislation. There are only, I think, eleven such sections in the entire bill as presented, and it was the purpose of the committee to pass them over until we had disposed of the sections not objected to.

Mr. BURKETT. I understand that; but is that section 33—

Mr. HEYBURN. The statement which the Senator understood me to make yesterday, and about which I corrected his understanding, should stand in this way: There were certain sections to which certain members of the committee reserved the right, as is usual, to object when the bill came before the respective Houses for consideration. That is not at all unusual. If a Senator does not give such notice to a committee and the committee makes a report that is otherwise unanimous, it would perhaps be considered unusual, if not a matter affecting his good faith, for him to object here without having made his objection in the committee and giving notice that he would insist upon his objection on the floor. When we reached that section I did not deem it necessary to state the fact that I had reserved the right to object, because the whole section was passed over, and it was not before the Senate as in Committee of the Whole for consideration at all. That was the position I occupied. I did not say or intend to say that the members of the committee were not unanimous in making this report. They were unanimous, subject to the ordinary rules under which unanimous reports are made—that is to say, that any objection that a Senator reserves the right to make may be made without affecting the integrity of the unanimous report.

Mr. BURKETT. Is section 33, then, the Commission's work or the committee's work?

Mr. HEYBURN. The committee's work. I do not care to enter upon a discussion of a section that has been passed over, if the Senator will pardon me—

Mr. BURKETT. I only wanted to use the illustration—

Mr. HEYBURN. Because it will confuse the consideration of this bill under the rule by which we are proceeding, and I would very much rather not refer to a section that has been passed over. When that section is taken up we will stand ready to make any explanation or suggestion that may seem pertinent to the consideration of it, but I would respectfully and earnestly ask the Senator not to bring in the consideration of sections that have been passed over, because if he does it will provoke more discussion, and the senior Senator from Colorado [Mr. TELLER], who is not present, especially requested, and I promised him, that section 33 would not come up for consideration in his absence. He is detained in the Committee on Finance.

Mr. BURKETT. I am not trying to bring up section 33. I am trying to find out and referring to that section only as an illustration, because it is the only one of this nature, so far as I know, that we have passed over. But when we reach another section, and it proposes a change as indicated by the italics, I am trying to find out how we are to know whether that has the indorsement of the Commission and the committee or whether it has the indorsement of the committee without that of the Commission. That is what I am trying to find out.

Mr. HEYBURN. If there is no objection to section 43, I ask that the reading be continued.

Mr. BACON. Mr. President, I want to call the attention of the Senator from Idaho to what I consider to be a very grave defect in this report. Nothing, Mr. President, can be more important than the enactment of law, and every change in law is an enactment of law. As I understand this report, the words printed in ordinary roman text show what was the recommendation of the Commission. Am I correct?

Mr. HEYBURN. Yes; that is the bill.

Mr. BACON. Yes; and that the changes which have been made by the committee in the recommendations of the Commission are shown by the italics. I am correct in that also, am I not?

Mr. HEYBURN. So far as the statement goes.

Mr. BACON. I hope the Senator will wait to understand me, because I have not finished.

Mr. HEYBURN. I am answering the Senator. I say he is correct as far as his statement goes, but it is not complete.

Mr. BACON. I have not finished it. I want the Senator to tell me if I am correct in that particular statement, that the

italics indicate amendments or changes proposed by the committee in what was proposed by the Commission.

Mr. HEYBURN. No—that is, not as I understand the Senator's question.

Mr. BACON. What do the italics indicate, then?

Mr. HEYBURN. I would be glad to state the fact—

Mr. BACON. I hope the Senator will permit me to go on with my statement.

Mr. HEYBURN. I would be very pleased to do so, but I supposed the Senator desired a reply to his question.

Mr. BACON. I simply want to know if I am correct in the statement as to the italics; and if not, what the italics indicate.

Mr. HEYBURN. I was proceeding to reply to the Senator when he insisted that he finish his question. Now, I will say to the Senator that what is in roman text is existing law. The Senator says that it is the report of the committee. It is a part of the report of the committee, but it is existing law. It is not all the report of the committee.

Mr. BACON. Mr. President, I think the Senator is in error in that, and I will give my reasons for stating that he is in error. As I understand the statement of the Senator, it is that the part of the reported bill which is in the ordinary roman text is existing law. Am I correct?

Mr. HEYBURN. Subject to the statement contained on page 1 of the report—I must answer the Senator in my own language; I must choose the language in which I reply—subject to the modification contained on the first page of the report, which excepts from the rule as to italics certain general provisions applicable alike to every section in the law.

Mr. BACON. Very well, Mr. President. I will then proceed to state it as I understand it, and I do not think I can be mistaken about it. It is certainly of the utmost importance that, as we go along, we should know from an inspection of the reported bill what are the changes proposed by that bill in the existing law. My suggestion—I think I might safely say "assertion"—is that there is nothing in the text of the bill which points out to us the changes which have been made between the bill and existing law.

Mr. HEYBURN rose.

Mr. BACON. Pardon me a moment, if you please—

Mr. HEYBURN. I am not going to interrupt the Senator.

Mr. BACON. I simply wish to be able to make myself understood with some degree of connectedness before the Senator interrupts me. I do not object to interruptions.

Mr. HEYBURN. I am not going to interrupt the Senator at all.

Mr. BACON. We have now before us, Mr. President, section 43. I have taken the section immediately succeeding that, which is section 44 of the bill, and which seeks to amend section 1553 of the existing law. Now, in the examination of that section I find but one word in it in italics, and that is the word "seaman," which, upon a casual glance, would naturally suggest to anyone considering the question of agreeing to that section of the bill that that was the only change proposed in existing law. That is certainly the only thing there to indicate that there is any change—the one word "seaman" in italics—and yet I have gone through that section and I have found seven distinct changes in existing law other than the word "seaman."

Now, here is the suggestion which I propose to make to the Senator, and if the Senator desires I will point out the changes before I make the suggestion. They may be unimportant changes, but how can we tell whether they are important or unimportant unless we have something to point out to us the proposed changes? In order to enable us to legislate intelligently and proceed in order, we should be able to know, without having to refer to other books, whether or not there are proposed changes, and we should be able to know it without doing as I have done with this particular section—reading it word by word and comparing each word, first with the bill and then with the existing section. Otherwise it would take a long time to pass upon each section.

Now, I want to make a suggestion to the Senator, and I do so in the utmost good faith, because I have no desire whatever to impede the progress of the Senate in the consideration of this bill; but I do most seriously object to enacting law upon the faith that any committee has done its duty.

Mr. President, we have bills continually, every day, referred to committees, but we do not legislate upon the idea that committees have done their duty. Matters are referred to committees in order that they may make examinations which it is not practicable for the Senate as a body to make; in order not that when their report is brought to the Senate the Senate shall accept and act upon it without investigation, but that with the labor thus done the Senate may decide whether or not

the conclusion reached is a proper conclusion. Now, it is an impossibility for us to determine whether or not there is a proper conclusion unless we have in convenient form on the one side the proposed change and on the other side the existing law, with something which will indicate to us at a glance the proposed change. That is not a difficult thing to do, if this report were properly put in shape.

Mr. SUTHERLAND. Mr. President—

Mr. BACON. The Senator will pardon me for a moment until I make the suggestion, and then I will with pleasure yield. The only thing in the bill as reported to indicate a change, as I state, is the italics. If they had gone further and had printed in each instance the difference between the bill and the existing law in capitals and then had included in the bill italics to indicate the difference between the report of the Commission and the recommendations of the committee, we would be able to act intelligently. But here, as I point out, there are in one section seven different changes of language, and not a thing to indicate in the bill that is proposed to us that there is any change proposed in that section. If those seven different changes had been put in roman capitals, the ordinary text agreeing with existing law in the common roman letter, and the difference between the Commission and the committee in italics, then we could have proceeded intelligently.

Now, I with pleasure yield to the Senator from Utah.

Mr. SUTHERLAND. If the Senator will turn to the first page of the report, marked part 2, he will find the first paragraph reading as follows:

Existing law is printed in roman; amendments and new sections are printed in italics; sections—

I direct particular attention to this clause—

sections which have been redrafted or from which any material matter has been omitted, or which have been formed by combining different sections or provisions of existing law are printed in brackets.

If the Senator will look at section 44, the section to which he has referred, he will find that in addition to the italicized word the section is printed in brackets.

Mr. BACON. Yes; but—

Mr. SUTHERLAND. Just a moment—indicating that other changes have been made.

Mr. BACON. But, Mr. President—

Mr. SUTHERLAND. Those changes it was found it would be utterly impossible to put in italics, because they consist of omissions, perhaps. If you omit a word, you can not, of course, put it in roman or italics. The original law which is now contained in section 44 as it appears in the Revised Statutes of the United States is to be found in section 1553 and section 5455, two different sections. If the Senator will examine the latter part of section 5455, he will find it is almost an exact duplication of section 1553. So the committee thought and the Commission before the committee acted upon it thought the proper thing to do with those two sections was to combine them in one section, making the language much more brief and much more comprehensive. But there is no substantial change made in the existing law at all. There is simply a change in the phraseology—in the arrangement of the language. But every substantive provision of those sections will be found in section 44.

Now, as I understand, that is the object of having a revision—to make these changes in phraseology, to make these changes in rearrangement. Senators here have referred to the fact that this was a codification. It is not a codification. It is a revision. There is a very well-settled distinction between a codification and a revision. A codification would mean that we would simply bring together in an orderly arrangement the exact provisions of existing law, and a revision means just what the word itself implies—that there is a revision of the phraseology of the law, a change perhaps in the arrangement of the words—and that is what this Commission and this committee have been doing. But there is absolutely no change in any substantial particular, except as indicated.

The Senator will realize that this was a pretty extensive piece of work that the Commission and the committee have been called upon to perform—to go over all these laws—and in many instances it would be found impossible to indicate changes in roman letters or in italics, and we had to adopt some other plan. We have set on the right-hand page the existing law, so that if the Senator will with his eye follow the language of the existing law as it appears upon the right-hand page as the Clerk is reading he will see precisely whatever changes have been made, and they are in every instance clearly indicated either by italics or by the brackets, so that the attention of the Senator is at once challenged to them.

Mr. BACON. I quite disagree with the Senator from Utah as to the impracticability of presenting a bill in such text that we

may see two things. First and most important, each and every change which is proposed in existing law, by Roman capitals or otherwise, indicating what the changes are, and where omissions are proposed, by a proper statement to that effect. We have very much more complicated matters constantly before the Senate in the differences between the two Houses as to amendments which are proposed upon bills which have been referred to committees and which come back, showing what was the original bill as it passed the House, for instance, what were the amendments proposed by the committee to which it was referred after it came to the Senate; and frequently where a bill is pending for a number of days in the Senate, there is a reprint day after day showing what amendments are proposed by the Senate as in Committee of the Whole. There is no difficulty whatever about it.

The only reply the Senator makes to the suggestion which I have made, that we are not put upon notice as to the changes which are proposed, is that wherever a section is changed in any particular in the bill, that section is put in brackets. But the particular changes which are proposed are not put in brackets. They put the entire section in brackets, simply to call our attention to the fact that a change is proposed, and then while the bill is being read from the desk and while we are called upon to determine whether or not we will agree to it, one has, on the one hand, to read the bill on the left and compare it, as he goes, with the words of the existing law on the right, in order to determine what the changes are.

Mr. SUTHERLAND. Mr. President—

Mr. BACON. The Senator will pardon me for a moment. In the particular section to which I have called attention—it is a short section of eight or ten lines, probably eleven—there are seven verbal changes besides the change indicated by the italics in the bill. The Senator says they are unimportant. What may be unimportant in the view of the Senator may be very important in the view of somebody else; and it is because of this difference of opinion that legislative bodies are made up of large numbers of men in order that the view of one man or of any small body of men may not control, but that in the multitude of counsel there may possibly be found wisdom.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question right here?

Mr. BACON. I yield.

Mr. SUTHERLAND. The Senator says there are seven different changes made in this section—

Mr. BACON. Yes.

Mr. SUTHERLAND. Which are not indicated by italics?

Mr. BACON. Not one of them.

Mr. SUTHERLAND. Will the Senator point out one that he refers to?

Mr. BACON. I will point out the seven.

The Senator explains that these changes have been made by incorporating in this section the provisions of succeeding sections; but none the less they are changes. If the Senator will follow me, I will point them out.

Mr. SUTHERLAND. Very well.

Mr. BACON. In the very first words of the section the words "Any person who" are changed to the word "Whoever." That is one.

Mr. SUTHERLAND. Let me call the Senator's attention to a point right here. That is why I asked him to point out one change. In lieu of the words "Any person who" we have, in accordance with the general principle stated at the beginning of the bill, in order to insure uniformity, used the word "Whoever."

Mr. BACON. Very well.

Mr. SUTHERLAND. Just a moment.

If the Senator will turn to the first part of the report, he will see that the committee has put him in possession of this information.

Mr. BACON. Is it possible for Senators, in order to pass upon the question of each amendment, to refer to three or four documents and large volumes of books in order to find out what the committee intended?

Mr. SUTHERLAND rose.

Mr. BACON. The Senator will pardon me. He asked me to point out the changes, and I want him to let me do it.

Mr. SUTHERLAND. Will the Senator allow me to answer him in reference to that one change?

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. BACON. Oh, yes.

Mr. SUTHERLAND. The Senator did not permit me to finish my answer in regard to that change.

Mr. BACON. I am not criticising the change. I am simply stating the fact that there are changes.

Mr. SUTHERLAND. I was undertaking to point out to the Senator that the committee had not neglected to report with reference to that change; and if the Senator will turn to the very first page of the report—not some other report—he will find that the general statement is made—

The change "whoever," wherever made, for "every person who," is made to bring about uniformity in style, and is not indicated by italics.

There is the general statement at the beginning of this report. What necessity is there of calling attention nearly three hundred different times to that particular change, when it is indicated by the general statement at the beginning of the report? That is the first change. It is not a substantial change. It is simply a change in phraseology.

Mr. BACON. The Senator asked me to point out the seven different changes. I am not pointing them out with a view to criticism. I am pointing them out for the purpose of substantiating the assertion that there are changes made, and innumerable changes made, when there is nothing in the reported bill to indicate to us in the text of the bill itself what the changes are.

Now I will go on, if the Senator will permit me and will bear in mind that I am not criticising the changes, but I am simply pointing out the fact that there are changes.

Mr. SUTHERLAND rose.

Mr. BACON. Will the Senator permit me to proceed?

Mr. SUTHERLAND. Certainly; but if the Senator will permit me—

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. BACON. Oh, yes.

Mr. SUTHERLAND. Before we pass from that particular matter, I want to ask the Senator if he does not see that that change is indicated in the report? I mean the change he has now called attention to—the change of language from "any person who" to the word "whoever."

Mr. BACON. I have no doubt I could find somewhere else the fact that there are such changes, but I do say that in the text of the bill itself there is nothing to indicate that there was such a change. Now I have answered that, and I want to go on and show the changes.

In the first line of the existing law, after the word "procure," the words are interpolated "any soldier in the military service or." I am not criticising the fact that they have made that change, but I am asserting the fact that they have made it, and there is nothing in the text of the bill to call our attention to the fact that there has been that change. They have that section in brackets, to call our attention to the fact that there has been some change made, but what the particular change is is not indicated.

Now, in the beginning of the fourth line of the same section the words "in any wise" are omitted. That is three.

Mr. HEYBURN. Now let us see. I want to mark these.

Mr. BACON. In the same line, after the word "such," the word "soldier" is interpolated.

Mr. SUTHERLAND. What line?

Mr. BACON. I am talking about the fourth line on page 53, where there is a copy of the existing law.

Mr. SUTHERLAND. What is the Senator reading from, may I inquire?

Mr. BACON. I am reading from the section which purports to give the existing law, on the right-hand page, and I am pointing out the number of changes which have been made in that section without a single thing in the text of the bill to indicate that there have been such changes made; and I say that unless we do have a bill reported here with some device, by type or otherwise, to indicate that there have been changes made it is impracticable and impossible for Senators to pass upon the question whether or not the changes are desirable. Now, I have pointed out four. Then, in the second line thereafter, after the word "or," the words "in any wise" are again omitted. That is five. Then, in the seventh line, the word "person" is taken out. That is six. In the line above that I should have said the word "who" is taken out, which makes seven; and in the next line, between the word "person" and "or," the word "seaman" is interpolated, which makes eight, instead of seven. Eight changes in the one section. It may be that every one of them is a proper change. I am not criticising them; but I am calling attention to the fact that in the one section there are eight changes besides the one indicated by italics, and not a single thing in the bill as reported to indicate either one of those changes, further than the fact that the sec-

tion is put in brackets to indicate that here has been some change, leaving us in this slow and tedious and almost impossible—certainly impracticable way—to find out what those changes are as we proceed to legislate.

Mr. SUTHERLAND. As I followed the statement of the Senator from Georgia, I think he is in error in saying that the language to which he referred is not contained in the section as reported by the committee. If he will compare the sections of existing law as contained on the right-hand page with section 44 as reported by the committee, he will see that while there has been a rearrangement of the language, substantially every particle of it is contained.

Mr. BACON. That, if the Senator will pardon me, would make it all the more difficult. If they have not only made a change of language, but have transposed the language, it makes it all the more difficult to follow the differences between the bill reported and the existing law. That certainly emphasizes the importance of what I have said, that there should be something in the text of the bill itself to indicate each change which is proposed.

Mr. SUTHERLAND. The Senator has undertaken to put into my mouth some words I did not use.

Mr. BACON. I beg the Senator's pardon.

Mr. SUTHERLAND. I say there has been no change made in the language, but only in the arrangement of the language. The Senator said I admitted that there had been not only a change in the language, but a change in the arrangement; something that I do not think I said.

Mr. BACON. The Senator will pardon me. I do not think I can be mistaken in the fact that he said that the two sections, 1553 and 5455, had been so rearranged as to put the matter contained in section 5455 into section 1553. I should think that is certainly a very material change. There are certainly a great many words in the bill which are not in section 1553. It is true the Senator gets them out of section 5455, a section 4,000 pages away, as it is found in existing law, from the section which he is seeking to amend.

Mr. SUTHERLAND. The two sections deal with precisely the same subject-matter and substantially cover the same ground. If the Committee on Revision had any duty at all to perform, it does seem to me that that was one of the duties—to bring together these various provisions of law—and wherever it could be done, where sections were duplicated, to put them under one section instead of having them in two or three places, as they may be in existing law. Referring to one of the phrases that the Senator spoke of, in section 1553, it reads, beginning in line 3:

Who shall in any wise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service.

The Senator said that the word "attempting" had been left out.

Mr. BACON. No, I beg pardon, I did not. The Senator misunderstood me, because I have each change which I specified marked in ink; underlined. The Senator misunderstood me. "In anywise" immediately above the word "attempting" are left out.

Mr. SUTHERLAND. Yes, the words "in anywise." That is true. Those words were left out because they absolutely mean nothing.

Mr. BACON. The Senator from Nebraska [Mr. BURKETT] calls my attention to the fact, as an illustration of what great changes have been made, that in the existing law the words are over 400—and he has counted them—and in the revised provision they are something less than 200—143—showing a most radical change. It may be absolutely correct, but we have no opportunity to judge of it. It is certainly a very great change. From over 400 words it has been so rewritten that it is now 143 words.

Mr. SUTHERLAND. I think, the Senator will pardon me, that might be done in a great many instances.

Mr. BACON. Yes.

Mr. SUTHERLAND. Some men have a faculty of expressing in a single sentence—

Mr. BACON. I quite agree.

Mr. SUTHERLAND. What it would require other men an hour and a half to state.

Mr. BACON. It may be that the rewritten section is entirely superior to the other, but what I mean is that there has been a very great change and we have no opportunity to judge for ourselves whether the change is desirable or not. It may be, and I presume it is, a very great improvement, as the Senator says.

Mr. HEYBURN. I should like to call the attention of the Senator from Georgia to the fact that both the Commission and the committee had before them, in the consideration of section

44, the proposition of molding together the provisions of three different acts of Congress passed during a period extending from 1863 to 1877, passed at different times to meet new conditions that had arisen. They had not been welded together in the nature of an amendment of the first enactment, but they had been passed seemingly without notice or without giving heed to the fact that there was already some legislation upon the subject. That condition was found to exist in a great many cases. Out of that condition perhaps more than out of any other arose the necessity for the revision and codification and rearrangement of these laws; where sections overlapped; where a section would be enacted to-day without taking into account the fact that there was already upon the statute books some law on that subject.

I am quite interested to know in what form the Senator from Georgia would suggest that section 44 should have appeared in print in this report. This committee now has under consideration the revision of all the laws of the United States. It is working every day upon the other titles, the general legislation of the country, and if we can receive any suggestions during the consideration of this criminal code as to a better method of presenting it we will heartily welcome it.

Mr. BACON. Will the Senator pardon me? With the assurance that I make the suggestion in the utmost good faith, with the sole desire that we may proceed intelligently—

Mr. HEYBURN. I am assuming that, of course.

Mr. BACON. Very well. If the Senator will apply to the clerical force of the Senate, which is in the habit of handling the question of the preparation of bills for printing, he will encounter no difficulty whatever in having a system suggested to him and a method prescribed by which the bill as it is proposed to be enacted can be shown to the Senate, while each change in the existing law which is proposed may also be shown in the text. That has frequently been done. It is done every session. It has been done in a number of cases where bills passed through various stages—first being considered in the House, then by a committee of the Senate, then by the Senate itself in Committee of the Whole—and in such cases day after day there has been a reprint showing the text of the measure as it appeared at each successive stage.

I do not think it is important for us to know, at least it is not to me, what were the differences between the committee and the Commission. I do not care to know that. But what I do desire to know with the utmost specific particularity is what are the changes in the existing law that are proposed by the committee.

We will take the particular section to which I have called attention, by way of illustration. It is perfectly practicable, for instance, in printing the first change to have some particular class of type and possibly by brackets to indicate that the words "Any person who" have been stricken out in the beginning of that line, and that the word "Whoever" put, for instance, in roman capitals, has been substituted therefor. That is plain, and we can see it at a glance. In the same way, in the second line of that section, where the words "any soldier in the military service or" are interpolated, it is perfectly practicable to have those words put in roman capitals, by which we will understand that they have been inserted by the committee, and so on throughout.

Mr. HEYBURN. Will the Senator pardon me?

Mr. BACON. Certainly.

Mr. HEYBURN. The identical words to which the Senator called attention in the original act are in section 44.

Mr. BACON. Of course they are. They are in the section—

Mr. HEYBURN. Line 2.

Mr. BACON. Section 44.

Mr. HEYBURN. The identical words are there.

Mr. BACON. But not, if the Senator will pardon me—

Mr. HEYBURN. Yes.

Mr. BACON. They are in section 44, it is true, but they are not in section 1553 of the existing law.

Mr. HEYBURN. They are in section 5455, from which section 44 is taken. Section 5455 is opposite.

Mr. BACON. I understand, but I do state the fact—and I presume the Senator will recognize the correctness of it—that in the proposed section, section 44, there is nothing to indicate that in section 1553 there have been these interpolations and these omissions without referring to another section to find it out.

Mr. HEYBURN. If the Senator now will permit me—and I bespeak his patience, because I may not state it as concisely as he is in the habit of doing—section 1553 is really no part of section 44. That is to say, Congress, thirteen years after the enactment of section 1553—without taking notice of it at all—

enacted a statute that included what was in section 1553 and more; in other words, enlarged it. So when the committee came to consider the existing law, while it prints opposite section 44 section 1553, it does it for the purpose of enabling the Senate to know that section 1553 was taken into consideration in making section 44.

But if the Senator will turn to the most essential document in the consideration of this bill, and that is part 1 of the report, on page 15, he will find that the committee has directed the attention of the Senate to the changes and the reason of them, and to the fact that section 44 is really taken from section 5455 rather than from section 1553. We say, on page 15, in referring to section 44:

Section 1553, Revised Statutes, is a duplication of the latter part of section 5455. The sections have therefore been combined in one section. The word "seaman," where italicized, has been added.

We found it necessary only to insert the word "seaman," because that is a term which has come into general use since the enactment of the original statute. The Department has changed the designation of a certain class of men.

Mr. BACON. The members of the committee—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. The members of the committee continually recur to the question whether or not the changes made are proper changes. I am not discussing whether the changes are proper changes. I will concede that, if the Senator desires it.

Mr. HEYBURN. Will the Senator pardon me? I know we can understand each other if we are patient. I do not raise that question at all. I only call attention to the fact that the Senator, in making a comparison between section 44 and the existing law, is making a comparison between section 44 and a section of the Revised Statutes that is not existing law, and that is not the section from which section 44 was molded.

Mr. BACON. If I understood the Senator from Utah correctly—and I do not think there is any doubt about the fact—a new section known as section 44 in the bill is made up of a combination of sections 1553 of the statutes, the existing law, and section 5455. Am I correct?

Mr. HEYBURN. May I interrupt the Senator there? It is not made up of section 1553 and section 5455, except so far as section 1553 is incorporated into section 5455. So the existing law is not in section 1553. It is in a section that so to speak embraced section 1553 and enlarged its provisions. Section 44 is taken from section 5455, and it is not fair to section 44 to compare it with a section from which it was not taken.

Mr. BACON. I have no disposition to be unfair either to the section or to the Senator.

Mr. HEYBURN. The Senator will not misunderstand me. In the use of that term I was not speaking in a personal sense, but in a comparative sense as between the sections.

Mr. BACON. The Senator said that if there was any method by which the difficulties of which we complain could be eliminated, he would like to have the suggestion made. I will repeat the suggestion to the Senators and I hope that they will endeavor to act upon it. It is to have not the entire report, but simply the part of it which is comprised in the reported bill, so reprinted that by roman capitals, brackets, or in some other way we may, when we reach a section of the bill, be able to ascertain what words are inserted as to the existing law and what words are omitted as to the existing law. That is certainly a reasonable request on the part of those who desire to know what is being done. It is an absolute, utter impossibility for any Senator, unless he had a long time for the examination of each section, to go through the various devices which have been provided by the committee and ascertain what the changes are.

Mr. HEYBURN. If the Senator will make himself familiar with the print designated as part 2, he will find that it will be impossible to carry out the plan suggested. There are instances in the report where there are from three to a greater number of statutes that have been molded into a short section by the committee. Now, how are you to print two or three pages of existing law, passed perhaps over a lapse of twenty or thirty years or more, and then incorporate in the midst of that, in a different type, probably six lines of a section? I think the Senator would find it impracticable.

We took into consideration the methods in vogue in both Houses of Congress. We had working for us as one of our principal secretaries a man whose experience has extended over probably fifteen years of this particular technical work. We gave the matter many, many days of thoughtful consideration and endeavored to adopt a plan which would most perfectly present this measure. It might be that the section under consideration,

although that would be very difficult, could be printed in connection with section 44, but to adopt it as a rule would be utterly impracticable. There are a number of instances in this report where the existing law, enacted in a fragmentary way, has been brought down and, as it were, telescoped into a few lines to express all that was in several statutes. In that case it would not aid us in considering this question that we printed those several entire enactments and in the midst of them indicate the legislation in a few lines of a different type.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I thought the Senator had concluded.

Mr. HEYBURN. I will yield the floor to the Senator from Texas.

Mr. CULBERSON. I do not rise for the purpose of discussing the particular section under consideration, but in order to have it printed I offer now an amendment to be proposed at page 62 of the bill by adding two sections. I ask that the amendment be printed.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. HEYBURN. I should like to know what are the sections. We can not make a note of it here unless we know the sections.

Mr. CULBERSON. The purpose is to add after line 3, on page 62 of the bill, two additional sections. I took the liberty of offering the amendment now in order that it might be printed by the next session of the Senate. It follows section 124.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary read as follows:

SEC. 44. [Whoever shall entice or procure, or attempt or endeavor to entice or procure, any soldier in the military service, or any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or shall aid any such soldier, seaman, or other person in deserting or in attempting to desert from such service; or whoever shall harbor, conceal, protect, or assist any such soldier, seaman, or other person who may have deserted from such service, knowing him to have deserted therefrom, or shall refuse to give up and deliver such soldier, *seaman*, or other person on the demand of any officer authorized to receive him, shall be imprisoned not more than three years, and fined not more than \$2,000.]

Mr. BACON. I should like to ask the Senators who are in charge of this measure whether we are to understand that section 44 of the bill, which has just been read, is a codification, so to speak, of sections 1553 and 5455 and contains all of the essential provisions in both those sections?

Mr. HEYBURN. It was so considered both by the Commission and the committee.

Mr. BACON. Very well.

Mr. HEYBURN. The report of the Commission differs not materially from that of the committee.

The Secretary read the next section, as follows:

SEC. 45. Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or *artificer*, during the continuance of such engagement, shall retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, shall be fined not more than \$50, or imprisoned not more than three months, or both.

Mr. BACON. I understand from the reading of this section and from the text as printed that there is no change in the section except the insertion of three words which are in italics, which I presume indicate the differences between the Commission and the committee, not including, of course, the word "Whoever," which has been explained. The word "artificer" in the sixth line, I understand, was interpolated. Am I correct?

Mr. HEYBURN. The word "artificer" is substituted in that case for the word "armorer," because the Department has itself substituted the use of that term.

Mr. BACON. Yes. I am not asking for the reason; I am just asking as to the fact. Then the words "or both" have been added at the conclusion. Are those the only changes made in the text?

Mr. HEYBURN. Those are the only changes made in the text.

Mr. BACON. I have no objection to those changes. I simply wished to know if there were any others.

Mr. HEYBURN. There are no others.

Mr. BACON. Am I correct in that?

Mr. HEYBURN. So far as the committee determined there are no others. I would not want to stand here and make the assertion, in reply to a question of that kind, that there were no others and then have my attention called to some that nobody had found. This has been passed upon—

Mr. BACON. Nobody will accuse the Senator of insincerity. Mr. HEYBURN. I understand. I want it understood that when I say there are no other changes I do it subject to that qualification.

Mr. BACON. If the Senator will pardon me, I am endeavoring to apply the rule which I understood the Senator from Utah [Mr. SUTHERLAND] to indicate as the one by which we should be guided. The Senator from Utah, as I understood him, indicated that wherever there was a change in the text the section was put in brackets.

Mr. HEYBURN. That is because the word "workman" is dropped out. Section 45 is not in brackets.

Mr. BACON. I know it is not, and I wish to know if from that we are to draw the conclusion that there has been no change made in the text except the one indicated by the italics.

Mr. HEYBURN. That is, the word "artificer" is substituted for "armorers."

Mr. BACON. Yes; and the words "or both" added. I simply wish to know if from the fact that there are no brackets we are to understand that there has been no change in existing law except where it is indicated by italics.

Mr. HEYBURN. Yes; that is the rule of the report.

Mr. BACON. I may be in error about it, but I think the words "or both" make the penalty not only one but both, in the discretion of the court.

Mr. HEYBURN. It is discretionary with the court. Attention is called to that in the report.

Mr. BACON. Yes; by the italics.

Mr. HEYBURN. And also in the report.

Mr. BACON. We can not follow the report at the same time we are following the text of the bill.

Mr. HEYBURN. The report was made in order that Senators might refer to it to know just what was done with each section, and it is printed in this simple form for the convenience of handling.

Mr. BURKETT. Let me ask the Senator a question. What is the object of the law? What is the occasion for it? Why have the committee recommended it?

Mr. HEYBURN. The section?

Mr. BURKETT. Yes; the section.

Mr. HEYBURN. It is the existing law.

Mr. BURKETT. I understand that they have not recommended all existing laws.

Mr. HEYBURN. Mr. President, if the committee were called upon in the consideration of this bill to either defend or recommend all the existing legislation they would have quite an undertaking, because it would involve the discussion of perhaps two hundred different acts of Congress. I do not believe that it is wise to enter upon that. The motives which may have actuated Congress in the year 1800 to enact that section, for it was enacted the 7th of May, 1800, one hundred and seven years ago, would be pretty difficult to ascertain at this time. It would be difficult to say what motives actuated Congress at that time to enact this statute. The question now is whether it is wise in this day.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I am just trying to see if the committee can give their own motives. I am not asking them to give the motives of men in 1800. I ask them for their own motives. In a codification or in a revision, rather, as the Senator from Utah [Mr. SUTHERLAND] calls it, I am a little curious in this year of our Lord 1908 to know why we should come in here and solemnly enact that kind of a statute into law. I want to know what the reason is for it. Then, if we are going to reenact it, when for one hundred and seven years that penalty has been sufficient to do business and prevent this sort of interference with the work of the Government, I should like to know why the penalty should be doubled.

I should like to know why the committee has recommended the doubling of the penalty. Here is a law which provides that if anybody undertakes to entice a workman "employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to void or break his contract with the United States," he shall be fined for it. That was enacted in 1800. I should like to know if any such offense as that has ever been committed, if there has ever been any trouble in one hundred and seven years on account of anything of that sort, or if there is liable to be trouble on account of it. If there has not been any trouble under the penalty as it was, why is the committee recommending the doubling of the pen-

alty now, after one hundred and seven years of successful operation of the statute?

Mr. HEYBURN. Mr. President, I do not concede that the addition of the words "or both" is to be correctly denominated doubling the penalty at all. It is leaving a discretion in the court, to be exercised in those cases where the court in its judgment thinks that a small fine and a small term of imprisonment might probably be more beneficial than an entire fine or an entire term of imprisonment. This leaves it discretionary in the court.

The Senator certainly will not expect us to take up these laws that are now in existence and defend the wisdom of them. Further, it was not intended that either the Commission or the committee should be invested with the power to repeal laws or to enact laws that under the ordinary rules of Congress would be considered by the standing committees of the House or the Senate, and we tried in every instance to avoid the incorporation of anything into the bill which has been reported that we thought should properly go to one of the standing committees.

Mr. CLAY. Now, with the Senator's permission—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. I think the Senator will find that the Commission has violated that rule. I want to call his attention to an instance. Take mailable matter. Turn to section 218. That is a section which describes what shall be mailable matter. In section 3878 of the Revised Statutes you will find that "all liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails." I find that this committee has drawn a new section, embracing about forty or fifty lines, and specially providing that liquids shall not be excluded from the mails, but shall be transmitted by the mails. It is a new section entirely, and certainly it ought to have gone to a standing committee and should have been considered by the proper committee.

Mr. HEYBURN. It was because of that fact and that condition that in opening the consideration of this bill I suggested that all sections in italics would be passed over for consideration under a different rule. That is one of the sections that is included within the eleven new sections that have been suggested, and it is not the intention at this reading of the bill to take up or pause for the consideration of any new section.

Mr. CLAY. I would ask the Senator if he does not think that a statute which changes what shall be mailable matter ought to have gone to a standing committee and been considered by the committee before we are called upon to act on it? It changes a statute, I will say to the Senator, that has been in force for nearly fifty years.

Mr. HEYBURN. When that section is reached, if the Senator from Georgia thinks it should go to a standing committee, it will be entirely appropriate to move to refer it to a committee. That will take it out of the body of this bill. That was the purpose the committee had in mind in so designating these separate sections, both in print and in their report, that they might be readily distinguished. That is true of any other section here which contains new matter. If the Senator or any Senator thinks it should go to a committee for consideration it can be referred. But I do not think it would be profitable at this time to go out of the regular order. We must necessarily reach that section, at least I sincerely hope we will, in the orderly consideration of the bill, and then we can take it up. I ask that the reading may be proceeded with.

Mr. BURKETT. If the Senator has not given any very good reason for increasing this penalty, which it would seem has operated successfully for one hundred and seven years, I move to strike out the last two words—the words, "or both."

The VICE-PRESIDENT. The Senator from Nebraska offers an amendment, which will be stated by the Secretary.

The SECRETARY. On page 26, line 19, strike out the words "or both," at the end of section 45.

Mr. KEAN. As I understand the amendment, the words proposed to be stricken out change existing law; and if the amendment is agreed to, it will leave the law as it is at the present time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. BURKETT].

The amendment was agreed to.

The VICE-PRESIDENT. The reading will proceed.

The Secretary read the next section, as follows:

Sec. 46. [Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo,

or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be *fined* not more than \$5,000, or *imprisoned* not more than five years, or both.]

Mr. BACON. I would be very glad if a system could be devised by which we might know what the changes are, but as that can not be done and as the section as printed in the bill is an amendment to an amended section, as is indicated by the fact that it is in brackets, I shall have to ask the Senator to state in what particular it changes the law, or in what particulars, if there are more changes than one.

Mr. HEYBURN. It does not change existing law at all in any material manner. The word "*fined*" is substituted for a more elaborate expression in the existing law, and the word "*imprisoned*" takes the place of three other words to express the same thing. There are three paragraphs of the existing law. They are welded together into section 46, without leaving out any principle of law embodied in the original statute. The words "*wantonly or maliciously*" that appear in the original law are omitted from section 46 before the word "*trespass*" as unnecessary, as the word "*willfully*" will include any wanton or malicious act.

Mr. BACON. Those are the changes, the Senator says.

Mr. HEYBURN. Yes; the courts disregard those words in construing those statutes. So there is no occasion for encumbering the statute with them.

Mr. BACON. I quite recognize the propriety of the changes, but I had to have the explanation of the Senator before I could know what they were.

Mr. HEYBURN. I hope I have done so satisfactorily. I am very pleased to give the explanation.

The Secretary read the next section, as follows:

SEC. 47. *Whoever shall go upon any military reservation, Army post, fort, or arsenal, for any purpose prohibited by law or military regulation; or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fined not more than \$500 or imprisoned not more than six months, or both.*

Mr. HEYBURN. Section 47 will be passed over.

The VICE-PRESIDENT. Section 47 will be passed over.

The Secretary read the next section, as follows:

SEC. 48. *Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.*

Mr. BACON. I simply want to call the attention of the Senator from Idaho to the fact that while none of the changes which are made in that section are, I think, material—it is a short section and I could read both sections as the reading went along—I think the changes are very proper. I want to call attention to the fact that there is an instance where the section as reported in the bill is not put in brackets, but where there are two or three changes made in the language.

Mr. HEYBURN. Mr. President, that section 48 comes strictly within class 1, stated at the beginning of the report. There is no change in it that is not within the first class, the changes which have already been fully set forth.

Mr. BACON. Still the section is not in brackets to call our attention to the fact that it is a change.

Mr. HEYBURN. The attention of the Senator from Georgia is called to it by the language of the report itself. The word "*Whoever*" is substituted for "*Every person who*" in the interest of harmony of expression.

Mr. BACON. Is that the only change?

Mr. HEYBURN. There is no other change that is not within rule 1, the first section.

Mr. BACON. Well, I see, for instance, that the word "*shall*" is interpolated in two places; and it is a very correct interpolation.

Mr. HEYBURN. That was merely in the interest of harmony.

Mr. BACON. I understand that.

Mr. HEYBURN. That comes within the general rule.

Mr. BACON. That ought to have been put in brackets, so as to have called our attention to it, that we might judge whether it was a proper change. We might differ from the Senator as to what was a proper change; and therefore that section ought to have been put in brackets.

Mr. HEYBURN. Would it be inappropriate to request the Senator to ask for any information that he may desire? We are prepared to make the answer.

Mr. BACON. I will try to do that.

Mr. HEYBURN. We have full notes on all these sections.

Mr. BACON. I will try to ask the Senator's attention, and I hope wherever brackets have been omitted, and therefore

the rule as laid down by the Senator from Utah [Mr. SUTHERLAND] can not be relied upon to guide us, that we may have the fact stated to us that brackets have not been put around that section.

Mr. HEYBURN. That was, of course, under rule 1.

Mr. FRAZIER. Mr. President, I notice in that section another change, or rather an omission, of some language which is found in the original act. The original act provided for fine and imprisonment and was followed by the words "*at hard labor*." The section as found in the bill has omitted those words.

Mr. HEYBURN. Mr. President, yesterday during the absence of the Senator from Tennessee [Mr. FRAZIER] it was explained that in every instance the provision relating to hard labor had been omitted throughout the entire revision, because the courts have held that hard labor is a part of the prison discipline of the country; that where a party is sentenced to imprisonment and hard labor is a part of prison discipline he must be subjected to it, whether it is embodied in the sentence or not; and that if he were sentenced to hard labor and sent to an institution where there was no provision for hard labor, under the law of prison discipline he would not be subject to hard labor, notwithstanding the fact that it was in his sentence. Therefore in every instance we have, because of the decisions of the courts, which have been practically uniform in that respect, omitted all reference to hard labor. So that comes under the general rule 1.

The next section was read, as follows:

SEC. 49. *[Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.]*

Mr. BACON. Mr. President, I desire that the Senator in this case, as I think it proper, shall explain what are the changes in that section. It is in brackets, indicating to us the fact that it has been changed. We wish to know what the changes are.

Mr. SUTHERLAND. Mr. President, the only substantial change which is made is the omission of the language—

Mr. BACON. I hope the Senator will give us all the changes, because we want to judge whether or not they are substantial.

Mr. SUTHERLAND. We have, in pursuance of the uniform principle laid down at the beginning, substituted "*whoever*" for the language "*every person who*."

Mr. BACON. I will state to the Senator that I will consider that it is not necessary to repeat that.

Mr. SUTHERLAND. Then, we have left out the words "*shall be deemed guilty of felony*," pursuant also to another uniform principle which has been adopted. The only change, outside of a change of that character, is the omission from the revised section of the language contained in the original section, "*or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined*."

The original law provided for the prosecution of such an offense either in the district or the circuit court of the district where the offense was committed or in any district into which the property had been carried. The committee believed that to be a violation of the provision of the Constitution which requires that trial shall be had in the district where the offense has been committed. For that reason those words were omitted.

Mr. BACON. Now, Mr. President, if the Senator will pardon me, that illustrates the very great importance of knowing what we are doing. I am inclined to differ from the committee in that particular. I do not think it would be a violation of the Constitution if we applied to such a case the well-recognized rule of criminal law. I think it is a well-recognized rule of criminal law that a man who steals property is guilty of the offense not only in the county or district in which the offense is originally committed, but that he commits the offense actually in every county into which he carries the stolen property.

Mr. SUTHERLAND. If the Senator will permit me a moment, I will state that this section applies also to the crime of embezzlement, which, of course, is complete where the goods are embezzled.

Mr. BACON. I know that, but it is not limited to embezzlement. Of course, if there were a constitutional difficulty about the application of the law in a case where one who had embezzled property had carried it into another jurisdiction, the courts would eliminate that, and say that so much of that law as it was the intention to apply to embezzlement would not be constitutional; but I do not think that there can be any question about the fact as a proposition of law that one who carries property which he has stolen into another jurisdiction can be prosecuted in that jurisdiction. If that is a well-recognized principle of criminal law it is not an invasion of the constitutional provision, which requires that a man shall be tried in the dis-

trict in which he committed the offense. I think that a very wise provision of the law which requires that a man may be tried either in the county or the district where he originally committed the offense of larceny, or within the county or the district to which he carried the property. That has been the law of this country for a long time, and I presume it is the law of every State in the United States. Why should we make that change? Why should we, to that extent, remove the criminal from subjection to the machinery which the law has heretofore provided to give the largest scope to the Government in the prosecution of a man who shall steal its property? That is one of the changes which the committee thinks an unimportant change. I think it is a very important one.

Mr. SUTHERLAND. The committee think it is an important change. I stated to the Senator that it was a substantial change.

Mr. BACON. I beg the Senator's pardon. I misunderstood him, then.

Mr. SUTHERLAND. I called attention to that as distinguishing it from the provisions which I thought unimportant.

Mr. BACON. I should like to know from both of the Senators who have actual charge of this bill, and who are eminent lawyers, if they do not think I am correct in the proposition that a man who commits larceny of property and carries the stolen property into another jurisdiction is, in the eyes of the law, one who commits larceny in the district into which he carries the purloined property. If so, how can that possibly be an invasion of the Constitution?

Mr. SUTHERLAND. I am not expressing disagreement with the Senator about that proposition. I know that some of the courts have held that in case of larceny, where the goods are carried into another county, or even into another State, the fact of carrying the goods into another county is itself a fresh asportation; but this section also includes the offense of embezzlement, to which the language certainly could not apply and be within the Constitution. The difficulty is, that if that language is left in the law, it would apply to an offense that it ought not to apply to, and would also apply to an offense perhaps that it could properly apply to, it being of that class of statutes where the bad matter can not be separated from the good. The difficulty is that, in all probability, the courts would hold the whole thing to be bad.

Mr. BACON. I will make the suggestion to the Senator that that section be included amongst those that are to be passed over. That is a vital question, I think.

Mr. SUTHERLAND. If the Senator will pardon me for just a moment, the point is that the committee think that the language which is void as applied to one part of the section is not separable in the sense that it can be eliminated, but that it will stand as applying to the good and the bad.

Mr. BACON. I think if a court was called upon to pass upon that question, if a man were before the court for embezzlement upon an indictment found in another district, where he carried property embezzled, it would simply hold that the statute to that extent did not apply to embezzlement; but it would uphold the part of the statute applying to larceny.

Mr. SUTHERLAND. The Senator will recall that in a very recent decision of the Supreme Court with reference to the employers' liability act, the principle which I have just stated was applied by the Supreme Court.

Mr. BACON. No; I do not think so at all.

Mr. SUTHERLAND. The Supreme Court said it would not undertake to separate—

Mr. BACON. I do not think the same rule would apply at all. One was in a civil matter and the other would be in a criminal matter.

Mr. SUTHERLAND. I am speaking of the employers' liability act.

Mr. BACON. That is a civil matter, and the same rule of construction would not apply.

Mr. SUTHERLAND. The rule of construction I understand to be the same as applied to a criminal statute and to a civil statute, with this difference: That in a criminal statute it is more rigorously applied, because a criminal statute is to be strictly construed.

Mr. BACON. But it is a different principle altogether.

Mr. SUTHERLAND. So that if the principle applies in a civil statute it will apply all the more to a criminal statute.

Mr. BACON. I understand that by some rule, the history of which I do not know, the sections which are contested are put in italics. I do not know why that rule should obtain.

Mr. HEYBURN. I suggest that that section be marked as being passed over.

Mr. BACON. Very well.

The next section was read, as follows:

SEC. 50. [Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than \$5,000, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.]

Mr. BACON. I hope the Senator from Idaho will not require me to ask him each time we reach a section which is in brackets to explain what the changes are. I do not like to have to ask the Senator each time, and I should be very glad if he would follow the course I suggest.

Mr. HEYBURN. Mr. President, that section 50 is partially under the same rule we have just been discussing in regard to section 49. The report on that section is as follows:

SEC. 50. The change made in this section consists in the omission of a similar provision to that omitted from the preceding section.

That is the provision that the party may be tried in either jurisdiction. Then, in addition to that, section 50 also omits—the provision that the judgment of conviction of the principal "shall be conclusive evidence in the prosecution against such receiver," that the property which he is charged with receiving has been embezzled, stolen, or purloined.

The committee are of the opinion that such a provision would not be enforced by the courts; in other words, a man would not be convicted on the testimony given on the trial against somebody else; for, in that case, he would not have had his day in court. It was evidently a piece of inadvertent legislation. If the Senator desires to question the propriety of the omission of that provision, why, of course—

Mr. BACON. I would suggest the fact that possibly as there is the same question involved in that section as there is in the other, it go over for the present.

In addition to that, on first blush, I would think that the proper change to be made in regard to the latter point would not be the entire repeal of the clause, but a modification of it. If the word "conclusive" be changed to "prima facie," it seems to me it would put the proposed law in better shape.

Mr. SUTHERLAND. I should like to ask the Senator, for his consideration, whether he does not think the provision that conviction of the principal offender shall be either conclusive or prima facie evidence against the party prosecuted would not be a violation of that clause of the Constitution which requires that every defendant shall be confronted with the witnesses against him?

Mr. BACON. Well, I am not prepared just now to say. As I said when I made my suggestion, it was only at first blush. I have not had time to properly consider the matter. If the committee have come to that conclusion, I should certainly hesitate very much to take issue with them on it.

Mr. SUTHERLAND. I will say to the Senator that, at any rate, it was for that reason that I voted in committee to strike out the clause. I also direct the Senator's attention to the fact that the same condition exists with reference to other parts of this section, namely, that it deals with a variety of offenses.

Mr. BACON. I understand.

Mr. SUTHERLAND. The offense of receiving, as well as the other offenses. Then, in addition to the changes which I have spoken of, we have stricken out, in line 5, the words "from the United States," that being an improper limitation of the law. The language, as the committee has reported it, is:

which has theretofore been embezzled, stolen, or purloined by any other person.

Under existing law it was "or purloined from the United States." The intent of the law evidently was to punish a man for receiving goods which had been stolen, they being the property of the United States. The old law made a further limitation, that it must have been taken from the United States. There was some doubt whether this would apply to some other persons who held property of the United States.

Mr. BACON. Mr. President, the first question which the Senator suggested is certainly a very important one. I can understand how, in the absence of a presumption, there might be very great difficulty in dealing with a prosecution of that kind. At the same time, there may be a very grave doubt as to the constitutionality of it, and possibly that question ought to be pretermitted, as well as the one involved in this and which is also involved in the preceding one. So that may be put down among the contested sections.

Mr. SUTHERLAND. There is no objection.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do, with pleasure.

Mr. FULTON. I want to call the attention of the Senator from Georgia and the Senator from Utah to the old section. I do not think that a proper construction of that section carries the idea that one party having been convicted, that fact will conclusively presume the property to have been the property of the United States against the other party. That presumption only obtains as against the party who has been convicted.

Mr. SUTHERLAND. I think the Senator is in error.

Mr. FULTON. The old law reads:

And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined.

Mr. SUTHERLAND. That means the original party—the party who commits the original offense.

Mr. FULTON. When I look at it again, I think the Senator is correct.

Mr. SUTHERLAND. Yes; that is conclusive evidence against the receiver, without confronting him—

Mr. FULTON. Conclusive evidence as to the fact that the property was purloined or stolen.

Mr. SUTHERLAND. Yes, of course. It is an essential fact in the prosecution.

Mr. HEYBURN. It fixes the status of the property.

Mr. BACON. As suggested to me by the Senator from Tennessee [Mr. FRAZIER], it does not presume that any particular person stole it; but it does presume the fact that it is stolen property.

Mr. HEYBURN. It establishes the fact that it is stolen property; but the fact established does not attach to the person.

Mr. SUTHERLAND. It dispenses with the necessity of proof on the part of the Government with reference to a material fact in the case.

Mr. BACON. I understand that section goes over.

Mr. HEYBURN. This section will go over.

The VICE-PRESIDENT. The section will be passed over. The Secretary will continue with the reading.

The next section was read, as follows:

SEC. 51. [Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.]

Mr. BACON. Mr. President—

Mr. HEYBURN. I will anticipate the suggestion of the Senator from Georgia. The committee reports in regard to section 51 as follows:

Section 51: The act of August 4, 1892, extended the provisions of the act of June 3, 1878, to all the "public-land States." Aside from a slight change in phraseology for purposes of revision, the only change in the section is that making imprisonment a part of the punishment, the committee believing that a fine alone is not adequate punishment for the acts denounced in the section.

That is the committee's note of it.

Mr. BACON. I am not disposed to take any issue with the report of the committee in that regard, because I know nothing about the matter of public lands, except in a very general way, having none of them in my State. Therefore, so far as the proposed change in the law is concerned, I certainly shall not interpose any judgment of my own on the subject. I do not know how that may be. I should like very much, however, to have the Senator point out the changes which he considers to be immaterial, because we might not agree with him about that.

Mr. HEYBURN. Well, Mr. President—

Mr. BURKETT. Mr. President, may I ask the Senator if this—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. Then the Senator can answer my question at the same time he answers the question of the Senator from Georgia [Mr. BACON]. Is this section the same as the Commission reported it?

Mr. HEYBURN. I will refer the Senator to the Commission's report on this section. It is found in section 8657 of the Commission's report. The Commission's report contains some expressions that are rather more wordy than those contained in this section.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. I should like to ask the Senator from Idaho whether he understands that section 51 repeals the statute of June, 1878.

Mr. HEYBURN. Section 51 contains the statutes of June 3, 1878, April 30, 1878, and March 3, 1891.

Mr. TELLER. The act of 1878 provides that miners, or anybody else for that matter, may cut timber in the mineral districts. It would seem to me that this section repeals that act.

Mr. HEYBURN. I call the Senator's attention to the language commencing on line 11 of the section:

Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.

Mr. TELLER. Mr. President, the provision is certainly very much more narrow than the act of June 3, 1878. This section will confine the miner to the timber on his location. The act of 1878 authorized him to cut timber anywhere in the mineral district. It is utterly impossible for a miner, with his narrow strip of 1,500 feet by 600 in some cases, and but 300 feet in others, to get the timber he needs. If that is what the section means—and I am inclined to think it does—then it is very reprehensible.

Mr. HEYBURN. Mr. President, the statute which the Senator has in mind is an administrative statute and not a penal statute.

Mr. TELLER. No; I am talking about the act of 1878.

Mr. HEYBURN. I have it before me, and I will be pleased to read the provisions of it to the Senator. It is as follows:

Provided, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.

Those provisions contained in the act of April 30, 1878, are all incorporated in section 51. At that time the provision was limited to certain States, but afterwards extended to all the public-land States.

Mr. TELLER. I have not had time to look this matter up, but I know there is a statute of the United States, which is in force now, unless it has been repealed within the last few months—and certainly it has not been repealed by the Administration, although they have tried to repeal it, I know—a statute that does not limit a miner's right to cut timber to any place. He can cut anywhere in the district.

Mr. HEYBURN. That is true. There is such a statute in existence. It is on the side of what we are accustomed to term "administrative law," and it gives him that right. There is no occasion for any penalty, because it gives him the right to do it. That law is not affected in any way by this penal statute, which is intended to prevent him from doing something, and not to confer a right.

Mr. TELLER. Mr. President, I am not satisfied with that explanation, and, so far as I am concerned, I want a little time to investigate this matter. I want to say to the Senator that I shall make a very determined fight on this bill if that statute is not taken care of.

Mr. HEYBURN. And I should join with the Senator.

Mr. TELLER. We have had already trouble enough with the Departments, Mr. President, and they have, without any authority whatever, sought to restrict the right to cut timber to the location of the miner, not allowing him to take any timber outside of his cabin. Such is not the statute, and such was not the purpose of the statute when it was passed in 1878. It was enacted after considerable discussion on the subject, and after it had received a construction by the court. I am very much afraid that this section will be treated—I know it would be in the Department—as a repeal of the act of June 3, 1878.

Mr. SUTHERLAND. Mr. President, the statute to which the Senator refers is a statute with which, I suppose, both he and I are very familiar, because there have been many prosecutions under it.

Mr. TELLER. I drafted the statute myself originally, and I think I do know something about it.

Mr. SUTHERLAND. The statute provides, as I remember, that any person in the States mentioned may cut timber from the public mineral lands of the United States for certain purposes enumerated, including domestic uses. The statute is quite broad, and it has been interpreted by the courts to mean any use in the State, the word "domestic" being used in that section as opposed to the idea of exportation to some other State.

As I remember, the courts have uniformly held that where a prosecution is had under the provisions of section 51, the statute to which the Senator has referred may be pleaded as a defense, and it is in that way that it is always pleaded. The statute is not a criminal statute, but is a statute conferring a right upon the inhabitants of the States that are enumerated; and whenever any person is prosecuted under the statute now under consideration for having unlawfully taken timber from the public domain the statute conferring this right may be pleaded in answer.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SUTHERLAND. I do.

Mr. FULTON. I ask the Senator what he thinks about this proposition: Passing this section as proposed, as a subsequent statute to the one the Senator has just been explaining, would it be considered, or might it not be considered, as a repeal of the administrative statute? Of course, it is contemplated, I take it, by this committee to report the administrative section in due time, and it will doubtless include the administrative act which the Senator has just been explaining; but it is proposed now to pass this criminal title, which contains this composite section 51, which makes it criminal to cut or remove timber from any lands except in certain excepted cases. That being later law than the administrative act, if you do not reenact the administrative act, would not this be construed as a repeal of it?

Mr. SUTHERLAND. My judgment, Mr. President, is that it would not. If it should be a repeal at all, it would be a repeal by implication, which is not favored as a matter of law. I do not think that the ordinary rules with reference to the repeal of statutes apply to a revision. We are simply revising existing law; we are not making any law.

Mr. TELLER. It seems to me that we are making a good deal of new law here.

Mr. SUTHERLAND. Not in this section.

Mr. TELLER. No; not in this section; but I think, as the Senator from Oregon [Mr. FULTON] suggests, you will find, with the feeling that exists in some of the Departments here, that the miner would be prohibited from cutting any timber except what is on his claim. It is very easy to correct this, so that there shall be no question, and I am going to insist that it shall be corrected before the bill becomes a law.

Mr. SUTHERLAND. Nothing can be further from any desire of mine—

Mr. TELLER. We can not dispose of this now.

Mr. SUTHERLAND. Let it be passed over.

Mr. TELLER. What I want to do is to frame this section so that it shall not, by implication or by the construction which some \$1,200 clerk in the Department may put on it, repeal the existing law.

Mr. SUTHERLAND. I think there certainly could be no objection to that course. I am as anxious as is the Senator to make it clear that that law has not been interfered with.

The VICE-PRESIDENT. The section will be passed over.

REPORT OF FIRST ASSISTANT POSTMASTER-GENERAL.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. Penrose on the 15th instant, reported it without amendment:

Resolved, That there be printed for the use of the Post-Office Department 10,000 copies of the report of the First Assistant Postmaster-General to the Postmaster-General for the year ended June 30, 1907.

Mr. WHYTE. I ask unanimous consent for the present consideration of the resolution.

The VICE-PRESIDENT. Is there objection?

Mr. HEYBURN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. In the absence of objection, it is so ordered. Is there objection to the present consideration of the resolution reported by the Senator from Maryland?

The resolution was considered by unanimous consent and agreed to.

NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that there may be printed 3,000 additional copies of Senate bill 3023, for the use of the Committee on Finance. We have a demand for it with which we are not able to comply.

The order was reduced to writing and agreed to, as follows:

Ordered, That 3,000 additional copies of the bill (S. 3023) to amend the national banking laws be printed for the use of the Committee on Finance.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 13 minutes

p. m.) the Senate adjourned until Monday, January 20, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 16, 1908.

PROMOTIONS IN THE NAVY.

Commander John R. Edwards to be a captain in the Navy from the 3d day of January, 1908, vice Capt. William Swift, promoted.

Mates Frank Holler and Robert Robinson, on the retired list of the Navy, to be mates on the retired list with the rank and retired pay of the next higher grade, namely, the lowest grade of warrant officers, from the 29th day of June, 1906, in accordance with the provisions of an act of Congress approved on that date.

REGISTER OF THE LAND OFFICE.

J. Ernest Breda, of Louisiana, whose term expired March 18, 1907, to be register of the land office at Natchitoches, La. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

Motley H. Flint to be postmaster at Los Angeles, Los Angeles County, Cal., in place of Motley H. Flint. Incumbent's commission expired January 11, 1908.

Samuel W. Metcalf to be postmaster at Sisson, Siskiyou County, Cal., in place of Samuel W. Metcalf. Incumbent's commission expired November 17, 1907.

COLORADO.

George W. Miller to be postmaster at Hotchkiss, Delta County, Colo., in place of George W. Miller. Incumbent's commission expired November 19, 1907.

John C. Shull to be postmaster at Berthoud, Larimer County, Colo., in place of Arthur F. Brown. Incumbent's commission expired November 19, 1907.

Paul J. Sours to be postmaster at Denver, Denver County, Colo., in place of Paul J. Sours. Incumbent's commission expires February 3, 1908.

CONNECTICUT.

James E. Ballard to be postmaster at Darien, Fairfield County, Conn., in place of James E. Ballard. Incumbent's commission expires January 26, 1908.

Sanford E. Chaffee to be postmaster at Derby, New Haven County, Conn., in place of Sanford E. Chaffee. Incumbent's commission expires January 26, 1908.

George H. Ford to be postmaster at Waterville, New Haven County, Conn., in place of George H. Ford. Incumbent's commission expired January 11, 1908.

Charles Harris to be postmaster at Westport, Fairfield County, Conn., in place of Charles Harris. Incumbent's commission expires January 18, 1908.

GEORGIA.

George P. Whigham to be postmaster at Bartow, Jefferson County, Ga. Office became Presidential October 1, 1907.

ILLINOIS.

August J. Beger to be postmaster at Nauvoo, Hancock County, Ill., in place of August J. Beger. Incumbent's commission expires January 20, 1908.

Benjamin W. Belsley to be postmaster at Roanoke, Woodford County, Ill. Office became Presidential January 1, 1908.

Albert Bothfuhr to be postmaster at Grant Park, Kankakee County, Ill., in place of Albert Bothfuhr. Incumbent's commission expires January 18, 1908.

Tracy W. Buckingham to be postmaster at Potomac, Vermilion County, Ill., in place of Tracy W. Buckingham. Incumbent's commission expired January 11, 1908.

Milton S. Fulton to be postmaster at Washburn, Woodford County, Ill. Office became Presidential January 1, 1908.

David Herriott to be postmaster at Morgan Park, Cook County, Ill., in place of David Herriott. Incumbent's commission expired December 17, 1907.

Joseph Lawton to be postmaster at Milledgeville, Carroll County, Ill. Office became Presidential January 1, 1907.

Eugene L'Hote to be postmaster at Milford, Iroquois County, Ill., in place of Eugene L'Hote. Incumbent's commission expires January 25, 1908.

John F. Newlin to be postmaster at Chrisman, Edgar County, Ill., in place of John F. Newlin. Incumbent's commission expired January 11, 1908.

Wallace Revell to be postmaster at Stillman Valley, Ogle County, Ill. Office became Presidential January 1, 1907.

William T. Robinson to be postmaster at Kenilworth, Cook County, Ill. Office became Presidential January 1, 1908.

Howard E. White to be postmaster at Fairmount, Vermillion County, Ill., in place of Howard E. White. Incumbent's commission expires January 18, 1908.

William Wilson to be postmaster at Palatine, Cook County, Ill., in place of Henry C. Matthei, resigned.

INDIANA.

Charles C. Fester to be postmaster at Clay City, Clay County, Ind., in place of Charles C. Fester. Incumbent's commission expires January 18, 1908.

Charles Smith to be postmaster at Westfield, Hamilton County, Ind. Office became Presidential January 1, 1908.

IOWA.

Caleb H. Wickersham to be postmaster at West Branch, Cedar County, Iowa, in place of Caleb H. Wickersham. Incumbent's commission expired January 11, 1908.

KANSAS.

William C. Edwards to be postmaster at Wichita, Sedgwick County, Kans., in place of Marshall M. Murdock, deceased.

George H. Leisenring to be postmaster at Ellis, Ellis County, Kans., in place of George H. Leisenring. Incumbent's commission expired January 4, 1908.

Anna Wood to be postmaster at Selden, Sheridan County, Kans. Office became Presidential January 1, 1908.

LOUISIANA.

C. C. Johnson to be postmaster at Melville, St. Landry Parish, La. Office became Presidential October 1, 1907.

MAINE.

Rufus C. Reed to be postmaster at Damariscotta, Lincoln County, Me., in place of Rufus C. Reed. Incumbent's commission expires January 29, 1908.

MICHIGAN.

Elmer Pryce to be postmaster at Tustin, Osceola County, Mich. Office became Presidential January 1, 1908.

Samuel L. Willits to be postmaster at Remus, Mecosta County, Mich. Office became Presidential January 1, 1908.

MINNESOTA.

John H. Carlaw to be postmaster at Balaton, Lyon County, Minn. Office became Presidential January 1, 1908.

MISSOURI.

Edward W. Flentge to be postmaster at Cape Girardeau, Cape Girardeau County, Mo., in place of Edward W. Flentge. Incumbent's commission expired December 19, 1907.

Frank A. Hardin to be postmaster at Cabool, Texas County, Mo., in place of Frank A. Hardin. Incumbent's commission expires January 22, 1908.

Albert F. Huggins to be postmaster at Shelby, Shelby County, Mo., in place of John L. Fields. Incumbent's commission expired February 12, 1907.

Clarence M. Zeigle to be postmaster at Buncheon, Cooper County, Mo., in place of Clarence M. Zeigle. Incumbent's commission expires February 2, 1908.

NEBRASKA.

Leander H. Jewett to be postmaster at Broken Bow, Custer County, Nebr., in place of Leander H. Jewett. Incumbent's commission expires January 18, 1908.

NEVADA.

Ernest B. Loring to be postmaster at Fairview, Churchill County, Nev. Office became Presidential October 1, 1907.

NEW JERSEY.

James E. Jones to be postmaster at Florence, Burlington County, N. J. Office became Presidential January 1, 1908.

NEW YORK.

Henry R. Bryan to be postmaster at Hudson, Columbia County, N. Y., in place of Henry R. Bryan. Incumbent's commission expired December 17, 1907.

Allerton C. Farr to be postmaster at De Kalb Junction, St. Lawrence County, N. Y. Office became Presidential January 1, 1908.

Charles C. Johnson to be postmaster at Antwerp, Jefferson County, N. Y., in place of Charles C. Johnson. Incumbent's commission expired December 17, 1907.

Charles T. Knight to be postmaster at Monroe, Orange County, N. Y., in place of Charles T. Knight. Incumbent's commission expires January 18, 1908.

Hiram B. Odell to be postmaster at Newburgh, Orange County, N. Y., in place of Hiram B. Odell. Incumbent's commission expires January 18, 1908.

Theodore C. Wethey to be postmaster at Savannah, Wayne County, N. Y. Office became Presidential January 1, 1907.

NORTH DAKOTA.

Cecil H. Taylor to be postmaster at Garrison, McLean County, N. Dak. Office became Presidential April 1, 1907.

OKLAHOMA.

George Stowell to be postmaster at McLoud, Pottawatomie County, Okla., in place of Marshall A. Younkman, resigned.

PENNSYLVANIA.

Roger A. McCall to be postmaster at Trafford City, Westmoreland County, Pa. Office became Presidential January 1, 1908.

Harvey W. Marburger to be postmaster at Denver, Lancaster County, Pa. Office became Presidential January 1, 1908.

TENNESSEE.

John J. Duff to be postmaster at Lenoir City, Loudon County, Tenn., in place of William C. Cassidy. Incumbent's commission expired January 14, 1908.

UTAH.

Lars O. Lawrence to be postmaster at Spanish Fork, Utah County, Utah, in place of Lars O. Lawrence. Incumbent's commission expires January 29, 1908.

John Peters to be postmaster at American Fork, Utah County, Utah, in place of John Peters. Incumbent's commission expires January 29, 1908.

VERMONT.

Mary W. Chase to be postmaster at Derbyline, Orleans County, Vt., in place of Mary W. Chase. Incumbent's commission expires January 25, 1908.

WISCONSIN.

John R. Davies to be postmaster at Cambria, Columbia County, Wis. Office became Presidential January 1, 1908.

George G. Gaskill to be postmaster at Argyle, Lafayette County, Wis. Office became Presidential January 1, 1908.

J. E. Huff to be postmaster at Florence, Florence County, Wis., in place of Joseph E. Parry. Incumbent's commission expires January 21, 1908.

Mary A. McAskill to be postmaster at Glidden, Ashland County, Wis. Office became Presidential January 1, 1908.

Duncan McLennan to be postmaster at Rib Lake, Taylor County, Wis. Office became Presidential January 1, 1908.

John C. Mitchell to be postmaster at Kaukauna, Outagamie County, Wis., in place of John A. Watson. Incumbent's commission expired January 14, 1908.

Joseph E. Parmelee to be postmaster at West Salem, La Crosse County, Wis., in place of Joseph E. Parmelee. Incumbent's commission expires January 18, 1908.

Frank H. Smith to be postmaster at Pardeeville, Columbia County, Wis. Office became Presidential January 1, 1908.

Frank Tucker to be postmaster at Princeton, Green Lake County, Wis., in place of Frank Tucker. Incumbent's commission expires January 18, 1908.

Albert C. Wagner to be postmaster at Edgar, Marathon County, Wis. Office became Presidential January 1, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1908.

GOVERNOR OF PORTO RICO.

Regis H. Post, of New York, to be the governor of Porto Rico.

SECRETARY OF PORTO RICO.

William F. Willoughby, of the District of Columbia, to be secretary of Porto Rico.

TREASURER OF PORTO RICO.

Samuel D. Gromer, of Missouri, to be treasurer of the island of Porto Rico.

COMMISSIONER OF EDUCATION OF PORTO RICO.

Edwin Grant Dexter, of Illinois, to be commissioner of education of Porto Rico.

COLLECTOR OF CUSTOMS.

George F. Roth, of New York, to be collector of customs for the district of Genesee, in the State of New York.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Eugene Blake, jr., to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1907.

Second Lieut. James Freeman Hottel to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 4, 1907.

Second Lieut. Philip Henshaw Scott to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 2, 1907.

Second Lieut. William Joseph Wheeler to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 23, 1907.

Third Lieut. James Louis Ahern to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 17, 1907.

Third Lieut. Lloyd Toulmin Chalker to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 20, 1907.

Third Lieut. Edward Darlington Jones to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 23, 1907.

Third Lieut. Stanley Vincent Parker to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1907.

Third Lieut. Archibald Howard Scally to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 2, 1907.

Third Lieut. Russell Randolph Waesche to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 2, 1907.

POSTMASTERS.

FLORIDA.

W. A. Allen to be postmaster at De Land, in the county of Volusia and State of Florida.

John C. Beekman to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida.

Charles F. Haskins to be postmaster at Sanford, in the county of Orange and State of Florida.

David P. Morgan to be postmaster at Perry, in the county of Taylor and State of Florida.

GEORGIA.

George F. Flanders to be postmaster at Swainsboro, Emanuel County, Ga.

IDAHO.

Waller E. Babcock to be postmaster at Parma, Canyon County, Idaho.

Mary P. Jones to be postmaster at Malad City, Oneida County, Idaho.

Charles W. Wilson to be postmaster at Sandpoint, Bonner County, Idaho.

KANSAS.

Edward C. Hill to be postmaster at Burr Oak, Jewell County, Kans.

Roy A. Hoisington to be postmaster at Leoti, Wichita County, Kans.

MONTANA.

Charles S. Stafford to be postmaster at Culbertson, Valley County, Mont.

NEBRASKA.

George A. Allen to be postmaster at Clay Center, Clay County, Nebr.

Calvin Bradshaw to be postmaster at Farnham, Dawson County, Nebr.

Henry Kleven to be postmaster at Culbertson, Hitchcock County, Nebr.

Francis M. Pfrimmer to be postmaster at Stratton, Hitchcock County, Nebr.

Erick P. Reichardt to be postmaster at Oxford, Furnas County, Nebr.

NEW YORK.

James H. Callanan to be postmaster at Schenectady, Schenectady County, N. Y.

NORTH DAKOTA.

John S. Gee to be postmaster at Flaxton, Ward County, N. Dak.

Reinhart Gilbertsen to be postmaster at Glenburn, Ward County, N. Dak.

Mathew Lynch to be postmaster at Lidgerwood, Richland County, N. Dak.

OHIO.

George H. Lewis to be postmaster at Bluffton, in the county of Allen and State of Ohio.

Charles B. Marble to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

PENNSYLVANIA.

Frank R. Hammond to be postmaster at Bolivar, Westmoreland County, Pa.

James A. Pearce to be postmaster at Avonmore, Westmoreland County, Pa.

SOUTH DAKOTA.

John D. Fargo to be postmaster at Redfield, in the county of Spink and State of South Dakota.

EXTRADITION WITH SPAIN.

The injunction of secrecy was removed January 16, 1908, from the message from the President of the United States, transmitting a treaty and protocol between the United States and Spain for the mutual extradition of criminals.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 16, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. WANGER, by unanimous consent, was granted leave of absence for the remainder of this week on account of important business.

ADDITIONAL MESSENGERS FOR POST-OFFICE.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer the following privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House compensation at the rate of \$100 per month, each, during the sessions of the Sixtieth Congress, to additional messengers, not to exceed five in number, to be employed under the direction of the Postmaster of the House in delivering and collecting mail at the office of Members, officers, and employees of the House, and at committee rooms.

Mr. CLARK of Missouri. Mr. Speaker, I would like to hear some explanation of this resolution.

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that this resolution provides for five additional employees to the House post-office, four of them to deliver mail to the new Office Building, one for each floor, and the fifth one will collect the mail from the mail chutes in the new building. The committee made a thorough investigation of this matter with the Postmaster of the House, and he said the force he had at present was not sufficient to deliver the mail for the new building and that nearly all the Members have asked that this service be given them.

Mr. UNDERWOOD. Mr. Speaker, I would like to have the gentleman from West Virginia yield five minutes to me.

Mr. HUGHES of West Virginia. I will yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I am never opposed to the increase of the employees of this House where they are needed, and I believe in being liberal in our treatment of the employees of the House of Representatives. But it seems to me as clear as any proposition can be that this is practically a waste of money and an employment of men for whom we have no use whatever. The mail is delivered to-day to every Member of this House at his home twice a day. Now, it is folly to say that a Member wants his mail delivered at his home and wants four deliveries in the Office Building. As a matter of fact, we all know that a Member of this Congress who is paying attention to his business does not need his mail delivered at his home twice a day. If he is attending to his duty as a Congressman, he gets that mail in the morning and goes to the House and sits there until adjournment, and he has no use for mail in his office at any other time of day except in the morning; and even if he wants it in his office, he does not want it at his home; and if he wants it at his home, he does not want it at his office. Here is a force of men already employed at the Capitol sufficient to deliver this mail to the homes of Members of Congress twice a day, going blocks apart and finding Members' homes.

Yet the gentleman says that the Postmaster of the House post-office contends that it will take more men to deliver mail from office to office in these new public buildings than it will to deliver mail from house to house in the District of Columbia. I know of cases of large office buildings in my own city, office buildings that have as many tenants as there are and will be in the new Office Building over here, where one single letter carrier in the city makes two or three deliveries a day to everybody in those buildings, and to contend that it is necessary for us to employ additional men when the present force that is delivering mail throughout the city will necessarily have to be reduced when their work will fall off when the Members order their mail delivered at the Office Building, it seems to me, is folly. Those men can be used to make these deliveries in the Office Buildings. It shows one of two things beyond a doubt, and that is that the Postmaster in charge of the House post-office is absolutely inefficient and unable to attend to his duties or that you are employing a number of men merely for the purpose of providing jobs for somebody or somebody's representative.